



TELECONFERENCE AD HOC COMMITTEE MEETING AGENDA

The Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board (Board) will hold an Enforcement Ad Hoc Committee Meeting via WebEx Events on

Thursday, August 24, 2023, beginning at 1:30 p.m. to 5:00 p.m.

Thursday, August 24, 2023, WebEx Link, from 1:30 p.m. to 5:00 p.m.:

If accessing by computer or online:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m87c6cbc7aae6b52b4e2fb6ae02b1ce03>

If accessing by phone: Dial +1-415-655-0001 US Toll, Access code: 249 560 77735, Passcode: 75721208

Committee Members

Gilda Dominguez, Speech-Language Pathologist, Chair

Tod Borges, Hearing Aid Dispenser

Legal Counsel, Attorney General Liaison, and Staff Members

Michael Kanotz, Board Counsel

Rose Luzon, Deputy Attorney General, Office of the Attorney General

Paul Sanchez, Executive Officer

Cherise Burns, Assistant Executive Officer

Tenisha Ashford, Enforcement Coordinator

Tim Yang, Enforcement Analyst

Eliseo Heredia, Enforcement Analyst

Maria Liranzo, Regulations Analyst

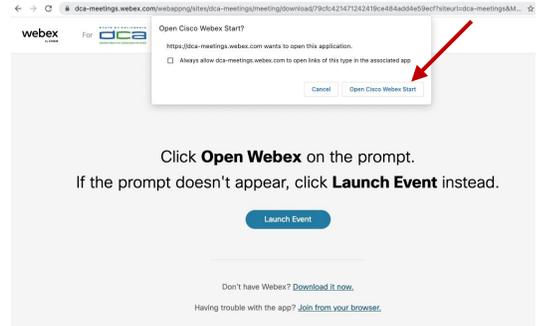
Thursday, August 24, 2023

Meeting Agenda

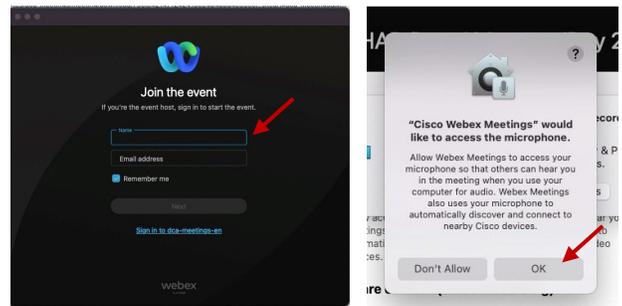
1. Call to Order / Roll Call / Establishment of Quorum
2. Discussion and Possible Action to Amend and Adopt Regulations Regarding Disciplinary Guidelines As Stated in Title 16, California Code of Regulations sections 1399.131 and 1399.155
3. Future Agenda Items
4. Adjournment

If joining using the meeting link

- 1 Click on the meeting link. This can be found in the meeting notice you received.
- 2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click "Open Cisco Webex Start" or "Open Webex", whichever option is presented. DO NOT click "Join from your browser", as you will not be able to participate during the meeting.



- 3 Enter your name and email address*. Click "Join as a guest". Accept any request for permission to use your microphone and/or camera.

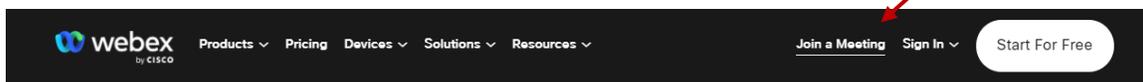


* Members of the public are not obligated to provide their name or personal information and may provide a unique identifier such as their initials or another alternative, and a fictitious email address like in the following sample format: XXXXX@mailinator.com.

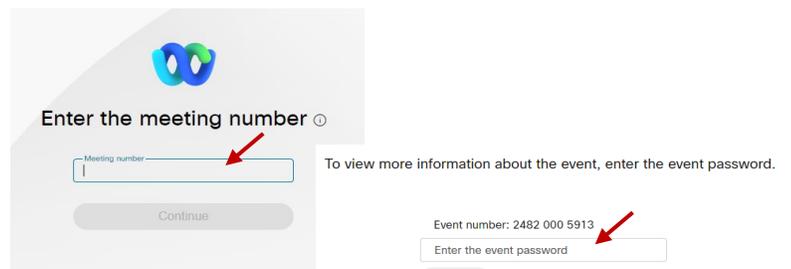
OR

If joining from Webex.com

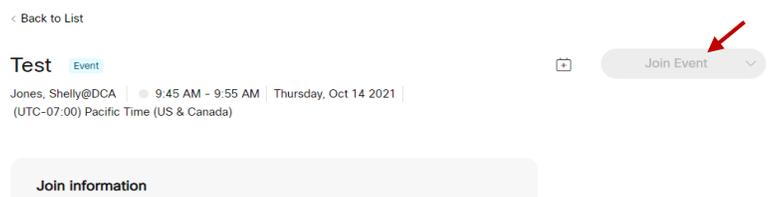
- 1 Click on "Join a Meeting" at the top of the Webex window.



- 2 Enter the meeting/event number and click "Continue". Enter the event password and click "OK". This can be found in the meeting notice you received.



- 3 The meeting information will be displayed. Click "Join Event".



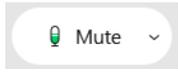
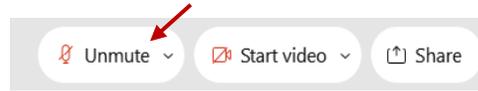
OR

Connect via telephone*:

You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

Microphone control (mute/unmute button) is located on the command row.



Green microphone = Unmuted: People in the meeting can hear you.



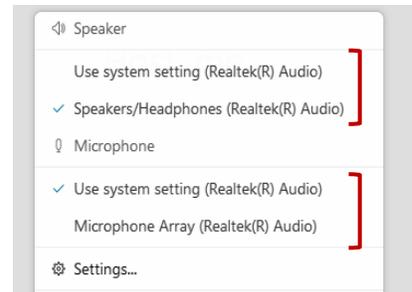
Red microphone = Muted: No one in the meeting can hear you.

Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on "Unmute Me".



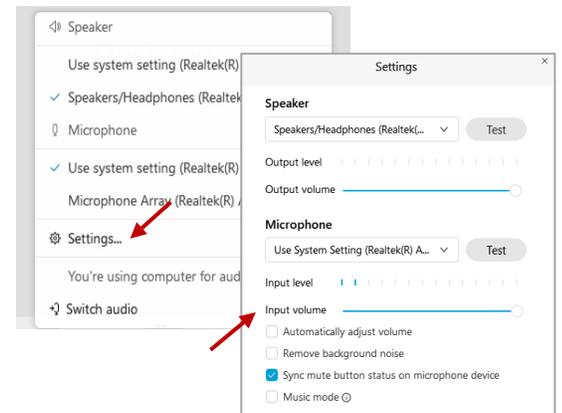
If you cannot hear or be heard

- 1 Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
 - Microphone option if participants can't hear you.
 - Speaker option if you can't hear participants.



If your microphone volume is too low or too high

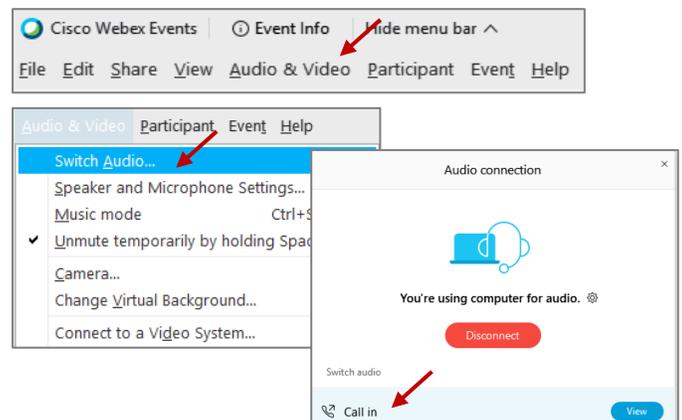
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through Webex. Your phone will then become your audio source during the meeting.

- 1 Click on "Audio & Video" from the menu bar.
- 2 Select "Switch Audio" from the drop-down menu.
- 3 Select the "Call In" option and following the directions.



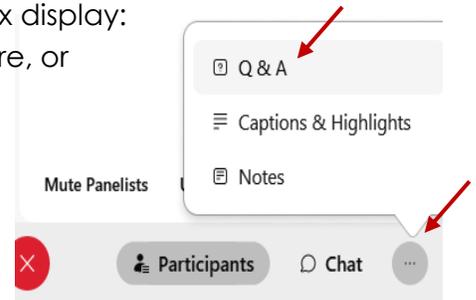
The question-and-answer (Q&A) and hand raise features are utilized for public comments.

NOTE: This feature is not accessible to those joining the meeting via telephone.

Q&A Feature

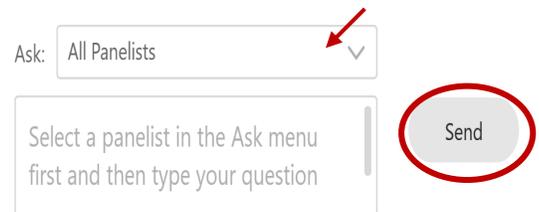
1 Access the Q&A panel at the bottom right of the Webex display:

- Click on the icon that looks like a “?” inside of a square, or
- Click on the 3 dots and select “Q&A”.



2 In the text box:

- Select “All Panelists” in the dropdown menu,
- Type your question/comment into the text box, and
- Click “Send”.



OR

Hand Raise Feature

- 1
- Hovering over your own name.
 - Clicking the hand icon that appears next to your name.
 - Repeat this process to lower your hand.

If connected via telephone:

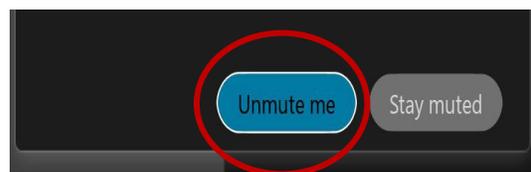
- Utilize the raise hand feature by pressing *3 to raise your hand.
- Repeat this process to lower your hand.

Unmuting Your Microphone



The moderator will call you by name and indicate a request has been sent to unmute your microphone. Upon hearing this prompt:

- Click the **Unmute me** button on the pop-up box that appears.

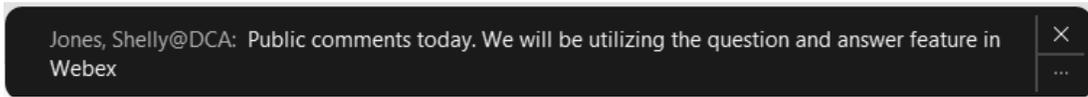


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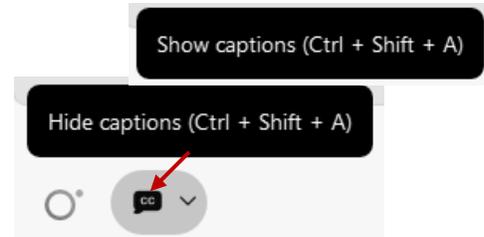
If connected via telephone:

- Press *3 to unmute your microphone.

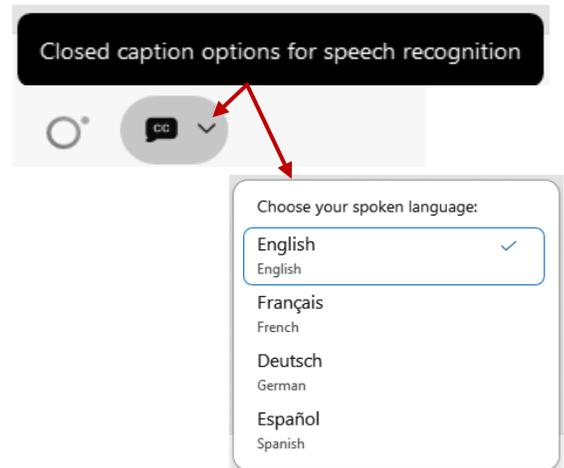
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



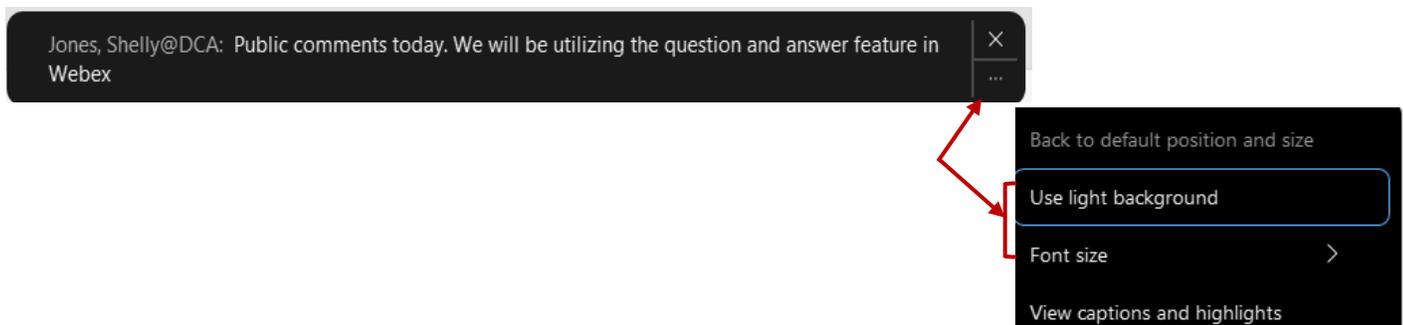
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



You can select the language to be displayed by clicking the drop-down arrow next to the closed captioning icon.



You can view the closed captioning dialog box with a light or dark background or change the font size by clicking the 3 dots on the right side of the dialog box.





MEMORANDUM

DATE	August 14, 2023
TO	Audiology Practice Committee
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 3: Discussion and Possible Action Regarding Audiology Licensing Requirements Related to Supervised Clinical as stated in Title 16, CCR section 1399.152.2

Background

The Audiology Practice Committee (Committee) directed Board staff to work with DCA Regulations Counsel to draft regulatory language to clarify statutory changes related to supervised clinical experience.

Summary of Changes

The following are the additionally proposed changes to the regulations:

- Amend subsection (a) to make definitions also applicable for applicants under Business and Professions Code (BPC) section 2532.25 and include “dispensing audiologist” as an acceptable supervisor.
- Amend subsection (c) to remove audiology applicants.
- Add in new subsections (d) and (e) to clarify supervised clinical experience for applicants before and after the enactment of BPC section 2532.25. As discussed on February 24, 2023, and based on survey responses from audiology programs within the State of California, the Committee determined applicants under BPC section 2532.25 should have the same requirements as applicants under BPC section 2532.2. New subsection (e) changes Audiology degree requirements from the prior standard of completion of a Master’s degree (“graduate program”) to the completion of a doctoral degree (“doctoral program”).
- Re-letter existing subsection (d) to be subsection (e).

Action Requested

Staff recommends the Committee review and discuss the provided material. The Committee may wish to determine whether or not to recommend the regulatory language to the Board to initiate the rulemaking process.

Attachment: Audiology Supervised Clinical Experience Proposed Text

PROPOSED REGULATORY LANGUAGE
AUD Supervised Clinical Experience

Legend: Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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§ 1399.152.2. Supervised Clinical Experience.

(a) Supervised clinical experience within the meaning of ~~Section~~Sections 2532.2 and 2532.25, subdivision ~~(c)~~ of the Code shall be in the area for which licensure is sought. Speech-language pathology clinical experience shall be under the supervision of a licensed speech-language pathologist or a speech-language pathologist having qualifications deemed equivalent by the Board. Audiology clinical experience shall be under the supervision of a licensed audiologist, licensed dispensing audiologist, or an audiologist having qualifications deemed equivalent by the Board. "Qualifications deemed equivalent by the Board" includes a supervisor who holds the legal authorization to practice in the field for which licensure is sought in the state where the experience is being obtained, if the supervised clinical experience is obtained in a setting which is exempt from the licensure requirements of the Act or out of state.

(b) Two hundred seventy-five (275) clock hours of clinical experience shall be required for licensure as a speech-language pathologist or audiologist for applicants who completed their graduate program on or before December 31, 1992.

(c) Three hundred (300) clock hours of clinical experience in three (3) different clinical settings shall be required for licensure as a speech-language pathologist ~~or audiologist~~ for applicants who completed their graduate program after December 31, 1992.

(d) Three hundred (300) clock hours of clinical experience in three (3) different clinical settings shall be required for licensure as an audiologist for applicants who completed their graduate program after December 31, 1992, and on or before December 31, 2007.

(e) Three hundred (300) clock hours of clinical experience in three (3) different clinical settings shall be required for licensure as an audiologist for applicants who completed their doctoral program after January 1, 2008.

~~(d)~~ Twenty-five (25) hours of the required clinical experience may be in the field other than that for which the applicant is seeking licensure (speech-language pathology for an audiologist or audiology for a speech-language pathologist) if such clinical experience is under a supervisor who is qualified in the minor field as provided in subsection (a).

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: ~~Section~~Sections 2532.2 and 2532.25, Business and Professions Code.



MEMORANDUM

DATE	August 14, 2023
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 4: Review and Possible Approval of the April 27, 2023 Board Teleconference Meeting Minutes

Background

Attached is a draft of the meeting minutes from the April 27, 2023 Board Teleconference Meeting.

Action Requested

Please review and discuss whether there are necessary corrections or additional information needed. If not, make a motion to approve the April 27, 2023 Board Meeting minutes.

Attachment: April 27, 2023 Board Meeting Minutes



BOARD MEETING MINUTES - DRAFT
Teleconference
Thursday, April 27, 2023

Full Board Meeting Agenda

1. Call to Order / Roll Call / Establishment of Quorum

Dr. Marcia Raggio, Board Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) meeting to order at 1:00 p.m. Dr. Raggio called roll; six members of the Board were present and thus a quorum was established.

Board Members

Marcia Raggio, Dispensing Audiologist, Board Chair
Holly Kaiser, Speech-Language Pathologist, Vice Chair
Tod Borges, Hearing Aid Dispenser
Karen Chang, Public Member
Gilda Dominguez, Speech-Language Pathologist
Amy White, Dispensing Audiologist

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Maria Liranzo, Legislation/Regulation/Budget Analyst
Lisa Snelling, Licensing Coordinator
Michael Kanotz, DCA Legal Counsel
Karen Halbo, DCA Regulation Counsel
Sarah Irani, DCA SOLID
Penney Bryce, DCA Office of Public Affairs
Yvonne Dorantes, DCA Executive Office

Guests Present

Maret Wilson Walker
Jennifer Kizner
Andrea Ball
Ann Kearney
Susana Rodriguez
Megan McCann

2. Public Comment for Items Not on the Agenda

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

3. Review and Possible Approval of the February 24, 2023, Board Meeting Minutes

Dr. Raggio opened the discussion on the review and possible approval of the February 24, 2023, Board Meeting Minutes. Maria Liranzo provided a summary of the minutes.

Dr. Raggio asked about the Audiology practice discussion regarding aides on page 2 and asked where the definition of immediate supervision can be found in current regulations. Ms. Liranzo replied that the discussion was on proposed changes that would adopt a new section to define different types of supervision and noted that the minutes reference the meeting material to clarify that the discussion was related to the meeting materials and not current regulations.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

Tod Borges moved to approve the February 24, 2023, Board meeting minutes.

Amy White seconded the motion.

The motion carried 6-0. (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, White)

4. DCA Update – DCA Board and Bureau Relations

Dr. Raggio invited staff from DCA Board and Bureau Relations to provide an update. Yvonne Dorantes provided an update on DCA's Diversity, Equity, and Inclusion Committee; mandatory training for Board members; virtual public meetings; federal affordability law; and DCA's annual report.

Mr. Borges asked for Ms. Dorantes' email in case he needs help finding the mandatory training; Ms. Dorantes provided her email to Mr. Borges.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

5. Board Chair's Report

Dr. Raggio opened the discussion with the 2023 Board Meeting Calendar and noted the next meeting in August will be a teleconference and the November 30 – December 1 meeting will be in-person in Sacramento.

Karen Chang deferred the report on discussion from the Legislative Ad Hoc Committee to Cherise Burns. Ms. Burns provided a brief report on discussion from the Legislative Ad Hoc Committee and deferred to the legislative report.

Dr. Raggio noted that the committee membership is included in the meeting material.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

6. Executive Officer's Report

Dr. Raggio invited Paul Sanchez to provide the Executive Officer's report.

Mr. Sanchez reported an administration update including changes to Board staffing.

Mr. Sanchez reported outreach efforts including a presentation at the California Speech-Language Hearing Association (CSHA) conference with Board Member Gilda Dominguez; participation in a quarterly meeting with the Council of Academic Programs in Communication Sciences (CAPCSD), and a meeting with clinic directors with Ms. Burns regarding required professional experience application process.

Mr. Sanchez reported on the budget including the fund condition, an increase in operating costs related to personnel and enforcement, and spending reduction to prevent a year-end fiscal deficit.

Mr. Sanchez provided a brief report on the Board's regulations and deferred to the regulatory report.

Mr. Sanchez reported on licensing including an increase to the processing time and results from the last practical examination.

Mr. Sanchez reported on enforcement including the number of complaints received and disciplinary actions adopted by the Board during the past 12 months.

Mr. Borges asked what the reasons are to why the entire budget is being spent. Mr. Sanchez and Ms. Burns replied that the budget is built on estimates and the largest contributor was an increase in personnel cost.

Dr. Raggio asked for public comments.

Maret Wilson Walker commented on the processing time. Mr. Sanchez commented on the manual process of application review along with the development and launch of the Board's online applications and the effects those had on processing time.

7. Update on the Completion of the Board's Business Modernization Project and Releases of Online Applications for Licensure

Dr. Raggio invited Mr. Sanchez and Ms. Burns to provide an update on the Board's Business Modernization project. Mr. Sanchez provided an update on the project. Ms. Burns commented on the final phase of the project being implemented in May.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

8. Legislative Report: Update, Review, and Possible Action on Proposed Legislation

Dr. Raggio invited Ms. Burns to provide the legislative report

Ms. Burns reported on the legislative calendar and deadlines.

Ms. Burns reported on Board-sponsored legislation and bills for active position recommendations.

Dr. Raggio asked for public comments on the legislative calendar and deadlines and Board-

sponsored legislation. There were no comments from the public, outside agencies, or associations.

Ms. Burns reported that the Legislative Ad Hoc Committee recommends to the Board a Neutral if Amended position on Assembly Bill (AB) 381 with a request to the author for amendments to clarify that audiometrists are registered with the Department of Health Care Services, and if those amendments are taken, the Board will move to a Neutral position.

Holly Kaiser asked about the use of an audiometrist versus the use of an audiologist in the school settings. Ms. Burns replied that she doesn't have information on their prevalence but that they are used for hearing screening only. Dr. Raggio commented on the use of audiometrist and requirements to be an audiometrist including the completion of courses. Ms. Liranzo commented that they are still required to complete a course.

Ms. Kaiser asked why the position isn't support if amended. Ms. Burns replied that the other changes in the bill are not within the Board's jurisdiction.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

Karen Chang moved to approve a Neutral if Amended position on AB 381.

Holly Kaiser seconded the motion.

The motion carried 6-0. (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, White)

Ms. Burns reported that the Legislative Ad Hoc Committee recommends to the Board an Oppose Unless Amended position on Senate Bill (SB) 372 with a request to the author for amendments to narrow the scope to name change accompanied with a gendered change, ensure discipline records are still publicly available but without the prior name, and a fiscally feasible process for the public to find that information.

Mr. Borges asked if the intent of the bill was to be broad. Ms. Burns replied that the fact sheet doesn't seem to be because it talks about the problem of deadnaming.

Dr. Raggio asked what the rationale about the removal of names. Ms. Burns replied that the fact sheet talks about the safety and privacy of trans and non-binary individuals.

Dr. Raggio asked if there are other boards looking at this bill. Ms. Burns replied that this is DCA-wide. Mr. Sanchez commented finding solutions that respect the integrity of the person while providing consumer protection.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

Tod Borges moved to approve an Oppose Unless Amended position on SB 372.

Amy White seconded the motion.

The motion carried 6-0. (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, White)

Ms. Burns reported that the Legislative Ad Hoc Committee recommends to the Board a Support position on SB 544 because this will make the current remote meetings and teleconferences requirements permanent with public access to at least one in-person location.

Mr. Borges asked if this is the bill discussed earlier that wouldn't go in effect until January 1, 2023. Ms. Burns replied that it is the same bill.

Ms. Kaiser asked if there will be an option to attend in Sacramento. Ms. Burns replied that board members can as it will be one of the locations publicly noticed because that is where Board staff will be. Ms. Burns commented that it is common to have multiple board members at the same location.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

Holly Kaiser moved to approve a Support position on SB 544.

Gilda Dominguez seconded the motion.

The motion carried 6-0. (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, White)

Ms. Burns reported that the Legislative Ad Hoc Committee recommends to the Board a Support if Amended position on SB 612 with a request to the author for amendments to change the grandfather clause from speech-language pathologists who obtained their license before January 1, 2023, to speech-language pathologists who obtained their board-certified Otolaryngologists written verification prior to January 1, 2023.

Dr. Raggio asked Gilda Dominguez for her position on this bill. Ms. Dominguez replied that the grandfather clause needs to reflect when the verification was obtained. Mr. Sanchez commented on the amendments being proposed. Ms. Chang asked for the language of the amendment. Ms. Burns replied that the language would say "a licensed speech-language pathologist who holds a written verification prior to the amendments to this section in chapter 450 of the statutes of 2022 shall be deemed to meet the requirements in subparagraph (a)." Ms. Dominguez asked if the verification would still need to be on file and readily available for inspection. Ms. Burns replied that it would still be in the law.

Dr. Raggio asked if the supervision by speech-language pathologists would still be available. Ms. Burns replied that they can for the second fifteen procedure.

Dr. Raggio asked of Dr. Tulio Valdez's position on this bill. Ms. Burns replied that he was supportive of the supervision by speech-language pathologists. Ms. Kaiser expressed agreement to Ms. Burns' statement.

Ms. Kaiser asked if there are situations where speech-language pathologists were trained solely by speech-language pathologists and received verification from an Otolaryngologists who didn't train them. Ms. Burns replied that the Board recently learned that those situations do exist.

Dr. Raggio asked for public comments.

Jennifer Kizner commented in support of SB 612 and noted Flexible Endoscopic Evaluation of Swallowing (FEES) procedures training programs had to stop providing their services because of the changes to the law. Ms. Kizner further noted that there have been no adverse events or outcomes reported to the licensing Board.

Andrea Ball commented in support of SB 612 and asked if the Board can provide the recommended text to amend the bill. Ms. Burns replied that the Board is taking a Support if Amended position to narrow the grandfather clause to be based on when the verification was received rather the license issue date.

Ann Kearney commented in support of SB 612 and ask the Board to take into consideration individual centers with stricter competencies.

Susana Rodriguez commented in support of SB 612.

Tod Borges moved to approve a Support If Amended position on SB 612.

Gilda Dominguez seconded the motion.

The motion carried 6-0. (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, White)

Ms. Burns reported on bills with recommended watch status.

Dr. Raggio asked for public comments on bills with recommended watch. There were no comments from the public, outside agencies, or associations.

9. Legislative Items for Future Meeting

Dr. Raggio asked if Board members had legislative items for future meeting. There was no Board discussion.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

10. Regulatory Report: Update, Review, and Possible Action on Board Regulation Packages

Dr. Raggio invited Ms. Liranzo to provide the regulatory report. Ms. Liranzo provided an update on board regulation packages.

Ms. Liranzo provided a background and summary of changes to modify proposed regulations regarding SLPA supervision.

Ms. Kaiser asked if the RPE experience is included in the two-year practice experience requirement. Ms. Liranzo replied this it is not and noted the Board can consider it today as part of the modification.

Ms. Kaiser asked the Board for their position on including the RPE experience as part of the two-year practice experience requirement. Dr. Amy White replied that it should be after licensure and asked if the text would be one year instead of two years. Ms. Kaiser replied that the text would say

one-year. Ms. Dominguez commented on the differences of experience during an RPE experience versus post-licensure and noted two years for clinical growth doesn't seem unreasonable.

Ms. Kaiser asked the Board if there should be flexibility in the requirement regarding the supervision during the first ninety (90) days of initial licensure. Ms. Liranzo noted that this can be found in the memo included in the meeting materials on page 3 of 3, and commented that Board staff is not recommending changes because the Board expressed a consistent higher level of supervision.

Ms. Kaiser asked the Board if the number of support personnel should be changed. Ms. Liranzo replied that Board staff is not recommending changes because there is a need for three SLPA and this would allow supervisor to arrange their personnel in such a way that is equivalent to three personnel.

Ms. Liranzo suggested the Board to adopt text to say "3,120 hours" in section 1399.170.15(b)(1) as an equivalent for two years of full-time experience, which can be used for fulltime school-based employment and part-time employment. Ms. Liranzo noted the hours were a recommendation from a public comment and it's a calculation of 30 hours per week across two full calendar year or 104 weeks.

Ms. Dominguez asked if those hours can be met in less than two years if they work more hours. Ms. Liranzo replied that they could if they work more than thirty hours per week. Ms. Dominguez asked is this requirement is which ever come first. Ms. Burns replied that it would shorten it in weeks but not in hours.

Dr. Raggio asked for public comments.

Megan McCann asked if the Board is considering one-year post licensure for the practice experience requirement and if there will be an opportunity to supervise three (3) SLPAs, and commented on the supervision during the first ninety (90) days. Ms. Liranzo replied to clarify the proposed changes regarding the number of SLPAs.

Maret Wilson Walker commented on the first ninety (90) days and noted American Speech-Language-Hearing Association (ASHA) had similar requirement that was removed. Ms. Dominguez replied that SLPA may want more guidance in the beginning.

Holly Kaiser moved to approve the proposed second modified regulatory text, as amended, for 16 CCR sections 1399.170, 1399.170.2, and 1399.170.15 through 1399.170.18, and direct staff to take all steps necessary to notice the second modified regulatory text. If no adverse comments are received during the 15-day comment period, authorize the Executive Officer to make any non-substantive changes to the regulatory package and take all steps necessary to complete the rulemaking and adopt the proposed regulations as amended.

Tod Borges seconded the motion.

The motion carried 6-0. (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, White)

Ms. Liranzo provided a background and summary of changes to proposed regulations regarding advertising for hearing aid dispensers.

Ms. Liranzo asked the Board for their position on the advertisement of address(es) and services as part of research. Dr. Raggio asked for the rationale behind the advertisement of services as part of research. Mr. Sanchez replied that advertisement in the past would ask consumer if they would like to be a part of a research or study as an effort to reach out to people and sell. Dr. Raggio recommended that the text remains. Ms. Liranzo recommended to the Board to replace “following” with either “in connection with” or “in relation to” so that it prevents this form of advertising. Ms. Burns clarified that amendments would prevent the selling of hearing aid during or prior to the research.

Ms. Liranzo noted the text as noticed today will require the advertising of address(es) similar to what is required on written receipt pursuant to Business and Profession Code sections 2538.35 and 2539.4. Mr. Borges expressed agreement with the proposed amendment.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

Tod Borges moved to approve the proposed regulatory text as amended for Section 1399.127, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, including any non-substantive changes to the package, and adopt the proposed regulations at Section 1399.127 as amended.

Amy White seconded the motion.

The motion carried 6-0. (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, White)

Ms. Liranzo provided a background and summary of changes to proposed regulations regarding continuing professional development (CPD) requirements for speech-language pathologists and audiologists.

Ms. Liranzo asked the Board their position regarding CPD requirement for licenses expire for two or more renewal cycles, and noted the Board has the option to align with hearing aid dispensing regulations which is the prior two renewal cycles or require the most recent renewal cycle.

Mr. Borges asked if the number of hours are the same. Ms. Liranzo replied that they are not. Ms. Burns noted that the renewal cycles are not the same either but the hours come out to be twelve hours per year if completed on a yearly basis.

Mr. Borges asked if changes were made to this regulation would the hearing aid dispensing regulations need to be changed. Ms. Burns replied that it would to maintain consistency.

Dr. White ask if a dispensing audiologist would be required to complete twelve (12) hours and a non-dispensing audiologist would be required to complete twenty-four (24) hours because a non-dispensing audiologist is on a two-year renewal cycle whereas a dispensing audiologist is on a one year. Ms. Burns expressed agreement with Dr. White’s statement.

Mr. Borges and Ms. Chang expressed agreement to require CPD for the most recent renewal cycle for licenses expired for two or more renewal cycle. Ms. Liranzo noted the changes.

Ms. Liranzo asked the Board their position regarding licensees being awarded two (2) hours for participating in the Occupational Analysis and noted that it can be added to section 1399.160.3.

Ms. Dominguez asked which category this would fall under. Ms. Liranzo replied that it would be its own category. Ms. Burns replied that it would be similar to participating in Board-sponsored examination development or administration related functions and commented on the role of the Occupational Analysis.

Ms. Kaiser asked if it would be considered self-study. Ms. Liranzo replied that it wouldn't and noted that it would be counted toward the total hours required.

Dr. Raggio asked for public comments.

Ms. Liranzo read a written public comment from Jeff Simpson to increase the number of self study hours to either twelve (12) hours or eighteen (18) hours, and increase the number of related courses and/or indirect course to eight (8) hours.

Tod Borges moved to approve the proposed regulatory text for 16 CCR sections 1399.160 through 1399.160.4, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, including any non-substantive changes to the package, and adopt the proposed regulations at 16 CCR sections 1399.160 through 1399.160.4 as amended.

Amy White seconded the motion.

The motion carried 6-0. (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, White)

Ms. Liranzo provided a background and summary of changes to proposed regulations regarding continuing education (CE) requirements for hearing aid dispensers.

Ms. Liranzo noted the questions for discussion are similar to the questions previously discussed in the last item and stated similar changes to say the most recent renewal cycle in section 1399.140(e) and to permit hearing aid dispenser participating in the Occupational Analysis to be awarded two (2) CE hours as a new subsection.

Dr. Raggio asked if there is any reason to not make them equivalent. Ms. Liranzo replied that there are no reasons to not make them consistent. Mr. Borges expressed agreement that there is no reason to not make them equivalent.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

Tod Borges moved to approve the proposed regulatory text for 16 CCR sections 1399.140, 1399.140.1, and 1399.144, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, including any non-substantive changes to the package, and adopt the proposed regulations at 16 CCR sections 1399.140, 1399.140.1, and 1399.144 as amended.

Holly Kaiser seconded the motion.

The motion carried 6-0. (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, White)

11. Future Agenda Items

Dr. Raggio asked Board members for future agenda items. There was no Board discussion.

Dr. Raggio asked the public for future agenda items.

Maret Wilson Walker commented on the need for clarification regarding the use of RPE and tele supervision in schools.

12. Pursuant to Government Code Section 11126(c)(3), the Board will Meet in Closed Session to Discuss Disciplinary Matters Including Proposed Decisions, Stipulated Decisions, Defaults, Petitions for Reductions in Penalty, Petitions for Reconsideration, and Remands.

The Board met in closed session to discuss disciplinary matters and subsequently adjourned for the day.

13. Adjournment

The meeting adjourned at 4:15 p.m.



MEMORANDUM

DATE	August 17, 2023
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Marcia Raggio, Board Chair
SUBJECT	Agenda Item #6: Board Chair's Report

The Board Chair will provide a verbal update on Board and Committee activities.

a. 2023 Board Meeting Calendar

Meeting Date	Location	Agenda	Meeting Materials	Minutes	Webcast
2023					
November 30 – December 1, 2023 Board Meeting	Sacramento, California				
August 25, 2023 Board Meeting	Teleconference	Agenda			
April 27-28, 2023 Board Meeting	Teleconference	Agenda	Materials Hand Carry - Agenda Item 6		Webcast
February 24, 2023 Board Meeting	Teleconference	Agenda	Materials Hand Carry - Agenda Item AU 3 Hand Carry - Agenda Item AU 4 Hand Carry – Agenda Item 7	Minutes	Webcast - Feb 24 Part 1 of 2 Webcast - Feb 24 Part 2 of 2

b. Board Committee Updates and Reports

The Ad Hoc Enforcement Committee will provide a verbal report regarding their committee meeting.

STANDING COMMITTEES

Standing Committee composition and leadership are determined by the Board President and are fully within the scope of the Open Meetings Act. Standing Committee meetings are often held in conjunction with regularly scheduled Board Meetings.

SLP PRACTICE COMMITTEE <i>Addresses changes in practice patterns and recommends position statements and/or scope of practice amendments for consideration.</i>		
Name	Position	Profession
Holly Kaiser	Chair	SLP
Gilda Dominguez	Member	SLP
Vacant	Member	Public
AUDIOLOGY PRACTICE COMMITTEE <i>Addresses changes in practice patterns and recommends position statements and/or scope of practice amendments for consideration.</i>		
Name	Position	Profession
Marcia Raggio	Chair	DAU
Amy White	Member	DAU
Tulio Valdez	Member	ORL/Public
Karen Chang	Member	Public
HEARING AID DISPENSERS PRACTICE COMMITTEE <i>Addresses changes in practice patterns and recommends position statements and/or scope of practice amendments for consideration.</i>		
Name	Position	Profession
Tod Borges	Chair	HAD
John Dandurand	Member	HAD
Karen Chang	Member	Public
HEARING AID DISPENSING COMMITTEE <i>Provides policy and regulatory guidance with respect to HAD practices and recommends scope of practice amendments for consideration.</i>		
Name	Position	Profession
Tod Borges	Chair	HAD
John Dandurand	Member	HAD
Marcia Raggio	Member	DAU
Amy White	Member	DAU

Tulio Valdez	Member	ORL/Public
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AD HOC COMMITTEES

Ad Hoc Committees may be established by the Board President as needed. Composition and leadership will be appointed by the Board President. Ad Hoc Committees may include the appointment of non-Board members at the Board President's discretion. Ad Hoc Committees are not fully within the scope of the Open Meetings act, however all recommendations made by Ad Hoc Committees must be reviewed and voted on by the Board in a public Board Meeting.

SUNSET REVIEW AD HOC COMMITTEE
Develop for the Board's review the Board's Sunset Review Report to the California Legislature

Name	Position	Profession
Marcia Raggio	Chair	DAU
Holly Kaiser	Member	SLP

ENFORCEMENT AD HOC COMMITTEE
Review and recommend to the Board proposed revisions to the laws, regulations, and policies related to the Board's enforcement of the Boards Practice Act.

Name	Position	Profession
Gilda Dominguez	Chair	SLP
Tod Borges	Member	HAD

LEGISLATIVE AD HOC COMMITTEE
Review and recommend to the Board proposed positions on legislation impacting the Board, its licensees, and the Board's Practice Act

Name	Position	Profession
Karen Chang	Chair	Public
Gilda Dominguez	Member	SLP

Legend:

DAU - Dispensing Audiologist
 ORL/ENT - Otolaryngologist/Ear, Nose & Throat

HAD - Hearing Aid Dispenser
 SLP - Speech-Language Pathologist

Hand Carry Item

Agenda Item 7:

Executive Officer's Report



MEMORANDUM

DATE	August 14, 2023
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item #8: Legislative Report: Update, Review, and Possible Action on Proposed Legislation

a. Legislative Calendar and Deadlines

- August 14 – Legislature reconvenes from Summer Recess.
- September 1 – Last day for fiscal committees to meet and report bills.
- September 5-14 – Floor session only. No committees may meet for any purpose, except Rules Committee and Conference Committees.
- September 8 – Last day to amend on the Floor.
- September 14 – Last day for each house to pass bills and Interim Recess begins upon adjournment.

b. 2023 Board-Sponsored Legislation

i. SB 887 (Committee on Business, Professions and Economic Development) Consumer Affairs

Status:

This bill will be heard on August 16 in the Assembly Appropriations Committee.

Summary:

This bill would make numerous technical and clarifying changes to various practice act. Specifically, the bill would amend the Board's Practice Act to replace gendered pronouns with gender-neutral pronouns or nouns.

Board Position: Support

c. Bills with Active Positions Taken by the Board

i. AB 381 (Rubio) Teacher credentialing: services credential with a specialization in health: occupational and physical therapists

Status:

This bill failed to meet the house of origin deadline. It is currently in the Assembly Appropriations Committee and may be acted upon in January 2024.

Summary:

This bill would delete the provision specifying that services as an occupational therapist or physical therapist are not health services and authorize the Commission on Teacher Credentialing to issue health services credential to occupational therapists or physical therapists.

Current law specifies that services as an occupational therapist, a physical therapist or an audiometrists are not health services for purposes of a health services credential.

Board Position: Neutral if Amended

ii. SB 372 (Menjivar) Department of Consumer Affairs: licensee and registrant records: name and gender changes

Status:

This bill will be heard on August 16 in the Assembly Appropriations Committee.

Summary:

This bill would require a board to update a licensee's or registrant's license and any references to their name or gender displayed on the internet if the board receives from the licensee or registrant government-issued documentation demonstrating that their legal name or gender has been changed. The bill would require the board to post an online statement and direct the public to contact the board for more information if the licensee or registrant has enforcement records online referencing their former name or gender or if a search on the online license verification system is performed using a licensee's or registrant's former name.

Board Position: Oppose Unless Amended

iii. SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing.

Status:

This bill is on the Assembly Floor (Second Reading).

Summary:

This bill would remove indefinitely the teleconference requirements that a state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, and that each teleconference location be accessible to the public. The bill would require a state body to provide a means by which the public may remotely hear, observe, or attend the meeting, and one physical address where a member of the state body or staff will be physically present. The bill would require members

of a state body who attend a meeting remotely to disclose any individuals 18 years of age or older present with the member and the general nature of their relationship.

Current law require of a state body to post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting.

Board Position: Support

iv. SB 612 (Ochoa Bogh) Speech-language pathologists.

Status:

This bill is on the Assembly Floor (Third Reading).

Summary:

This bill would specify that a licensed speech-language pathologist, who obtained a written verification before January 1, 2023, meets the requirements to perform a flexible fiber optic transnasal endoscopic procedure described in Business and Professions Code section 2530.2(f)(1).

Current law specifies that a licensed speech-language pathologist, who obtained a license before January 1, 2023, meets the requirements to perform a flexible fiber optic transnasal endoscopic procedure described in Business and Professions Code section 2530.2(f)(1).

Board Position: Support If Amended

d. 2023 Bills with Recommended Watch Status

i. AB 477 (Waldron) Legislative review of state boards.

Status:

This bill failed to meet the house of origin deadline. It is currently in the Assembly Business and Professions Committee and may be acted upon in January 2024.

Summary:

This bill would require the report prepared by the Board for its Sunset Review available to the public and the Legislature, including posting it online.

Current law requires the report is available to the public and the Legislature.

ii. AB 567 (Ting) Criminal records: relief.

Status:

This bill is in the Assembly Appropriations Committee (Suspense File).

Summary:

This bill would require the Department of Justice (DOJ) to provide confirmation that a conviction record relief was granted upon request from the subject of the record.

Current law requires DOJ to review the records in the statewide criminal justice databases and identify persons who are eligible for automatic conviction record relief on a monthly basis. A person is eligible for automatic conviction record relief if, on or after January 1, 1973, they were sentenced to probation, and completed it without revocation, or if they were convicted of an infraction or a misdemeanor, or if on or after January 1, 2005, they were convicted of a felony, except as specified, for which they did not complete probation without revocation if they appear to have completed all terms of incarceration, probation, mandatory supervision, postrelease community supervision, and parole, and a period of 4 years has elapsed during which they were not convicted of a new felony offense.

iii. AB 883 (Mathis) Business licenses: United States Department of Defense SkillBridge program.**Status:**

This bill will be heard on August 14 in the Senate Appropriations Committee.

Summary:

This bill would additionally require the Board to expedite the licensure process for an applicant who supplies evidence to the board that the applicant is an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense Skill Bridge program, and permit the Board to assist the applicant in the initial licensure process.

Current law requires the Board to expedite the licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged, and permit the Board to assist the applicant in the initial licensure process.

iv. AB 996 (Low) Department of Consumer Affairs: continuing education: conflict-of-interest policy.**Status:**

This bill is on the Senate Floor (Third Reading).

Summary:

This bill would require entities within the Department of Consumer Affairs to develop and maintain a conflict-of-interest policy that discourages the qualification of any continuing education course if the provider of that course has an economic interest in a commercial product or enterprise directly or indirectly promoted in that course and requires conflicts to be disclosed at the beginning of each continuing education course.

v. AB 1028 (McKinnor) Reporting of crimes: mandated reporters.

Status:

This bill is in the Senate Appropriations Committee (Hearing postponed by committee).

Summary:

This bill would, on and after January 1, 2025, require health practitioners to make a report to a local law enforcement if the health practitioner knows or suspects a patient has suffered a wound or physical injury inflicted by the person's own act or inflicted by another where the injury is by means of a firearm or a wound or physical injury resulting from child abuse or elder abuse. The bill would require health practitioners to provide, to the degree that is medically possible, brief counseling, education, or other support, and a warm handoff or referral to local and national domestic violence or sexual violence advocacy services if the health practitioner knows or suspects a patient has suffered physical injury that is caused by domestic violence. The bill would specify that a health practitioner is not civilly or criminally liable for any report that is made in good faith and in compliance with these provisions.

Current law requires a health practitioner to make a report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct. A violation of these provisions is punishable as a misdemeanor

vi. AB 1417 (Wood) Elder and dependent adult abuse: mandated reporting.

Status:

This bill will be heard on August 21 in the Senate Appropriations Committee.

Summary:

This bill would amend and reorganize some of the mandated reporting of elder or dependent adult abuse in a long-term care facility, and make conforming changes to related provisions. The bill would require mandated reporter to submit a written report to the local law enforcement agency, the long-term care ombudsman, and the corresponding state agency within 24 hours if the abuse occurred in a long-term facility and the abuse was caused by another resident of the facility with dementia diagnosed by a licensed physician where no serious bodily injury. The bill would require mandated reporter to submit a verbal report to the local law enforcement agency immediately or as soon as practically possible, but no longer than 2 hours, and a written report to the local law enforcement agency, the long-term care ombudsman, and the corresponding state agency within 24 hours if the abuse occurred in a long-term facility in all other instances. The bill would specify the time limit for reporting beginning when the mandated reporter observes, obtains knowledge of, or suspects the abuse or neglect.

Current law requires mandated reporter to submit a telephone report to the local law enforcement agency and a written report to the local law enforcement agency, the long-term care ombudsman, and the corresponding state agency immediately or as soon as practically possible, but no longer than 2 hours if the abuse occurred in a long-term facility and the abuse results in serious bodily injury. Current law requires mandated reporter to submit a telephone report to the local law enforcement agency and a written report to the local law enforcement agency, the long-term care ombudsman, and the corresponding state agency within 24 hours if the abuse occurred in a long-term facility and the abuse does not result in

serious bodily injury. Current law requires mandated reporter to submit a telephone report to the local law enforcement agency immediately or as soon as practically possible, and a written report to the local law enforcement agency, the long-term care ombudsman, and the corresponding state agency within 24 hours if the abuse occurred in a long-term facility and the abuse was caused by another resident of the facility with dementia diagnosed by a licensed physician where no serious bodily injury. Current law requires mandated reporter to submit a telephone report and a written report to the local ombudsman or the local law enforcement agency if the abuse occurred in a long-term care facility and the abuse is an abuse other than physical abuse.

vii. AB 1707 (Pacheco) Health professionals and facilities: adverse actions based on another state's law.

Status:

This bill is in the Senate Appropriations Committee.

Summary:

This bill would prohibit a healing arts board under the Department of Consumer Affairs from denying an application for a license or imposing discipline upon a licensee on the basis of a civil judgment, criminal conviction, or disciplinary action in another state if it is based solely on the application of another state's law that interferes with a person's right to receive sensitive services that would be lawful if provided in this state. The bill would prohibit a health facility from denying staff privileges to, removing from medical staff, or restricting the staff privileges of a licensed healing arts professional on the basis of such a civil judgment, criminal conviction, or disciplinary action in another state. The bill would not apply to a civil judgment, criminal conviction, or disciplinary action imposed in another state for which a similar claim, charge, or action would exist against the licensee under the laws of this state.

viii. SB 259 (Seyarto) Reports submitted to legislative committees.

Status:

This bill will be heard on August 23 in the Assembly Appropriations Committee.

Summary:

This bill would additionally require a state agency to post on its internet website any report identified in the Legislative Analyst's Supplemental Report of the Budget Act and include a committee of the Legislature as a recipient of any required report.

Current law requires a state agency that is required or requested by law to submit a report to the Members of either house of the Legislature to submit the report in a specified manner and to post the report on the state agency's internet website.

ix. SB 345 (Skinner) Health care services: legally protected health care activities.

Status:

This bill will be heard on August 23 in the Assembly Appropriations Committee.

Summary:

This bill would prohibit a board within the Department of Consumer Affairs from suspending or revoking the license of a person or denying an application for licensure solely because the person provided a legally protected health care activity. The bill would define a “legally protected health care activity” to mean specified acts, including exercising rights related to reproductive or gender-affirming health care services secured by the Constitution or the provision of insurance coverage for those services.

x. SB 635 (Menjivar) Health care coverage: hearing aids.

Status:

This bill will be heard on August 23 in the Assembly Appropriations Committee.

Summary:

This bill would require a health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2025, to include coverage for hearing aids for enrollees and insureds under 21 years of age, if medically necessary. The bill would limit the maximum required coverage amount to \$3,000 per individual hearing aid and define the coverage for hearing aids to include an initial assessment; fittings, adjustments, and maintenance of the hearing aid; and new hearing aids at least every four years, or if alterations to existing hearing aids cannot meet the needs of the enrollees and insureds, or if the existing one is no longer working.

Board Position: Support, this position was taken with approval from the Board Chair and Vice Chair in accordance with the Board’s Administrative Procedure Manual.

xi. SB 763 (Durazo) Criminal records.

Status:

This bill failed to meet the house of origin deadline. It is currently in the Senate Appropriations Committee and may be acted upon in January 2024.

Summary:

This bill would extend the conviction record relief to apply to convictions of a felony that occurred on or after January 1, 1973

Current law requires DOJ to review the records in the statewide criminal justice databases and identify persons who are eligible for automatic conviction record relief on a monthly basis. A person is eligible for automatic conviction record relief if, on or after January 1, 1973, they were sentenced to probation, and completed it without revocation, or if they were convicted of an infraction or a misdemeanor, or if on or after January 1, 2005, they were convicted of a felony, except as specified, for which they did not complete probation without revocation if they appear to have completed all terms of incarceration, probation, mandatory

supervision, postrelease community supervision, and parole, and a period of 4 years has elapsed during which they were not convicted of a new felony offense.

xii. SB 802 (Roth) Licensing boards: disqualification from licensure: criminal conviction.

Status:

This bill failed to meet the policy committee deadline. It is currently in the Assembly Business and Professions Committee and may be acted upon in January 2024.

Summary:

This bill would specify the number of days an applicant must be notified in writing if their application for licensure was denied based solely or in part of their conviction history to be within 30 days after a decision is made.

Current law requires boards within the Department of Consumer Affairs to notify an applicant in writing if their application for licensure was denied based solely or in part on their conviction history.

Attachment A: SB 635 (Menjivar) Health care coverage- hearing aids

SB 635 - (A) Amends the Law

SECTION 1.

Section 1367.72 is added to the Health and Safety Code, to read:

1367.72.

(a) A health care service plan contract issued, amended, or renewed on or after January 1, 2025, shall include coverage for hearing aids for all enrollees under 21 years of age, if medically necessary. The covered service shall be provided by a contracted provider, unless the contract allows for out-of-network coverage. For children under five years of age, a contracted provider shall include a pediatric audiologist.

(b) The maximum required coverage amount under this section is three thousand dollars (\$3,000) per individual hearing aid. An enrollee may choose to purchase a hearing aid that exceeds the maximum coverage amount and shall be responsible for the difference between the cost of the hearing aid and the maximum coverage amount.

(1) Hearing aids covered pursuant to this section shall not be subject to a deductible or copayment requirement. Coverage of hearing aids under this section shall not be subject to financial or treatment limitations, including annual caps set below three thousand dollars (\$3,000) per individual hearing aid.

(2) Coverage for hearing aids shall include an initial assessment, new hearing aids at least every four years, new earmolds, new hearing aids if alterations to existing hearing aids cannot meet the needs of the enrollee, a new hearing aid if the existing one is no longer working, and fittings, adjustments, auditory training, and maintenance of the hearing aids.

(c) For purposes of this section, "hearing aid" means an electronic device designed to aid or compensate for impaired human hearing and any parts, attachments, or accessories, including earmolds, but excluding batteries and cords. This includes both hearing aids traditionally worn behind the ear and nonimplanted auditory osseointegrated devices.

(d) This section does not apply to a Medicare supplement or specialized health care service plan contract.

SEC. 2.

Section 10123.72 is added to the Insurance Code, to read:

10123.72.

(a) A health insurance policy issued, amended, or renewed on or after January 1, 2025, shall include coverage for hearing aids for all insureds under 21 years of age, if medically necessary. The covered service shall be provided by a contracted provider, unless the policy allows for out-of-network coverage. For children under five years of age, a contracted provider shall include a pediatric audiologist.

(b) The maximum required coverage amount under this section is three thousand dollars (\$3,000) per individual hearing aid. An insured may choose to purchase a hearing aid that exceeds the maximum coverage amount and shall be responsible for the difference between the cost of the hearing aid and the maximum coverage amount.

(1) Hearing aids covered pursuant to this section shall not be subject to a deductible or copayment requirement. Coverage of hearing aids under this section shall not be subject to financial or treatment limitations, including annual caps set below three thousand dollars (\$3,000) per individual hearing aid.

(2) Coverage for hearing aids shall include an initial assessment, new hearing aids at least every four years, new earmolds, new hearing aids if alterations to existing hearing aids cannot meet the needs of the insured, a new hearing aid if the existing one is no longer working, and fittings, adjustments, auditory training, and maintenance of the hearing aids.

(c) For purposes of this section, "hearing aid" means an electronic device designed to aid or compensate for impaired human hearing and any parts, attachments, or accessories, including earmolds, but excluding batteries and cords. This includes both hearing aids traditionally worn behind the ear and nonimplanted auditory osseointegrated devices.

(d) This section does not apply to an accident-only, specified disease, hospital indemnity, Medicare supplement, or specialized health insurance policy.

SEC. 3.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



MEMORANDUM

DATE	August 15, 2023
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 10: Regulatory Report: Update, Review, and Possible Action on Board Regulation Packages

The following is a list of the Board's regulatory packages, and their status in the rulemaking process:

a) Discussion and Possible Action to Amend Regulations Regarding SLPA Program and Academic Requirements as stated in Title 16, CCR sections 1399.170.4, 1399.170.10, and 1399.170.11

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved the regulatory language on August 12, 2022. This regulatory proposal was submitted to the Office of Administrative (OAL) for review on June 8, 2023. It was approved by the OAL on July 18, 2023, and filed with the Secretary of State. These regulations will become effective on October 1, 2023.

This proposed change will specify qualifications for SLPA training program directors, increase the number of the required field work experience from seventy (70) hours to one hundred (100) hours, and modify the full-time work experience for out-of-state SLPA applicants.

b) Discussion and Possible Action to Amend Regulations Regarding Speech-Language Pathology Assistant (SLPA) Supervision Requirements as stated in Title 16, CCR sections 1399.170, 1399.170.2, and 1399.170.15 through 1399.170.18

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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This regulatory proposal is in the Finalizing Regulatory Package phase and requires review and approval by the Board. See the separate memo for this regulatory proposal.

c) Discussion and Possible Action to Amend Regulations Regarding Continuing Education Requirements for Hearing Aid Dispensers as stated in Title 16, CCR sections 1399.140, 1399.140.1, and 1399.144

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to regulatory language on April 27, 2023. The required regulatory documents completed the Initial Departmental Review process on July 13, 2023, and was noticed on July 28, 2023, for public comment. The 45-day public comment period will end on September 12, 2023.

The proposed regulatory changes will increase the number of hours that can be obtained in indirect client care or related courses, permit other opportunities to fulfil continuing education (CE) requirements, and clarify current regulations by making CE requirements consistent with the Board's CE audit process and existing professional learning requirements this Board has for licensees in the practices of speech-language pathology and audiology under Article 11 of Division 13.4.

d) Discussion and Possible Action to Amend Regulations Regarding Continuing Professional Development Requirements for Speech-Language Pathologists and Audiologists as stated in Title 16, CCR sections 1399.160 through 1399.160.4

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to regulatory language on April 27, 2023. Board staff submitted the required regulatory documents for DCA departmental review on July 7, 2023, and it is currently with Business, Consumer Services and Housing Agency as of July 25, 2023.

The proposed regulatory changes will clarify definitions to reflect advancements made to continuing professional development (CPD) courses delivered online, increase the number of self-study hours allowed to half of the total required CPD hours, and clarify current regulations by making CPD requirements consistent with the Board's CPD audit process and professional learning requirements for similar license types and course content.

e) Discussion and Possible Action to Amend Regulations Regarding Advertising for Hearing Aid Dispensing as stated in Title 16, CCR section 1399.127

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to regulatory language on April 27, 2023. Board staff submitted the required regulatory documents for DCA departmental review on August 15, 2023, and it is currently with the DCA Legal.

The proposed regulatory changes will clarify that anyone licensed to dispense hearing aids can advertise the fitting and selling of hearing aids in accordance with Business and Professions Code section 651 and CCR section 1399.127, information required in advertisements, prohibited advertisements, and national advertisements disseminated in California.

f) Discussion and Possible Action to Amend and Adopt Regulations Regarding Fingerprinting Requirements as stated in Title 16, CCR sections 1399.112, 1399.151.2, and 1399.170.14

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to regulatory language on May 13, 2022. Board staff submitted the required regulatory documents for DCA pre-review on August 31, 2022, and are working with DCA Budgets Office to develop the Economic and Fiscal Impact Statement.

The proposed regulatory changes will require licensees who were initially licensed prior to January 1, 1999, or for whom an electronic fingerprints record does not exist, to be fingerprinted as a condition of renewal.

g) Discussion and Possible Action to Amend and Adopt Regulations Regarding Examination Requirements for Hearing Aid Dispensers and Dispensing Audiologists as stated in Title 16, CCR sections 1399.120, 1399.121, 1399.122, and 1399.152.4

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to regulatory language on May 13, 2022. Board staff are working on preparing the required regulatory documents for DCA pre-review and working with DCA Budgets Office to develop the Economic and Fiscal Impact Statement.

The proposed regulatory changes will update the practical examination process, describe the written examination process, update the practical examination appeal process, and specify the required hearing aid examination for dispensing audiologists to only the written examination.

h) Discussion and Possible Action to Amend Regulations Regarding Approved Institutions as stated in Title 16, CCR section 1399.152

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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This regulatory proposal is in the Preparing Regulatory Package phase and requires review and approval by the Board. See the separate memo for this regulatory proposal.

i) Discussion and Possible Action to Amend Regulations Regarding Hearing Aid Dispensers Temporary License Supervision as stated in Title 16, CCR sections 1399.102 and 1399.115 through 1399.119

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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This regulatory proposal is in the Preparing Regulatory Package phase and requires review and approval by the Board. See the separate memo for this regulatory proposal.

Attachment: Stages of the Regulatory Process

Stages of the Regulatory Process

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Regulation Development: The first stage of the regulatory process is to develop the regulatory proposal. Regulations may be required to implement a new law or regulatory changes may be necessary to address an issue raised by Board members, Board staff, the Legislature, licensees, or other stakeholders. In this phase, the Board and/or Board Committees may work on drafting regulatory language, Board staff will work with DCA Legal staff to address any concerns with the draft regulatory text, and the Board will ultimately adopt the regulatory language.

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Preparing Regulatory Package: In this stage Board staff are working on preparing the required regulatory documents including Notice of Proposed Regulatory Action, Initial Statement of Reasons, and the Economic and Fiscal Impact Statement. Board staff review Board meeting materials, webcasts, and meeting minutes to assist in the development of these documents which must justify why the regulatory changes are necessary. Board staff may also work closely with the DCA Budgets Office to develop the Economic and Fiscal Impact Statement.

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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DCA Regulations Pre-Review: In this stage Board staff work collaboratively with DCA Regulations Counsel. DCA Regulations Counsel propose recommended changes to the regulatory documents. DCA Regulations Counsel may also identify potential issues of concern with the regulatory language. Board staff then incorporate recommended changes prior to submitting the regulatory package back to the Board's Regulations Counsel. Board staff may also meet with Regulations Counsel and/or Budget Staff to provide additional information about the Board's licensing or enforcement processes in relation to the proposed regulation.

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Initial Departmental Review: Upon approval by the Board's Regulations Counsel, Board staff prepare additional supporting regulatory documents. The entire regulatory package will then be submitted for the Initial Departmental Review which involves reviews by DCA Legal, DCA Budgets, DCA Executive Office, and the Business, Consumer Services and Housing Agency. Throughout this stage, additional changes to the regulatory language and/or regulatory documents may be requested by DCA or the Business, Consumer Services and Housing Agency.

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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OAL Public Comment Period: Upon approval by the Business, Consumer Services and Housing Agency, the regulatory proposal will be submitted to the Office of Administrative Law (OAL) to be published in the California Regulatory Notice Register. OAL publishes the Notice Register every Friday and the publication date starts the formal 45-day public comment period as well as the one-year deadline to submit the completed rulemaking file to OAL. If the Board makes changes to the regulatory language in response to public comments, the regulatory proposal must be published in the Notice Register for an additional 15-day public comment period.

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Finalizing Regulatory Package: The Board must respond in writing to every comment received during the public comment period. In this stage, Board staff work with DCA Regulations Counsel to develop proposed responses to the public comments, which must be approved by the Board. Board staff then prepare the Final Statement of Reasons which must outline any changes made to the regulatory language and updates to any information contained in the Initial Statement of Reasons such as changes to the fiscal and/or economic impact or additional materials to include in the record. The Final Statement of Reasons will also include the Board’s approved responses to the public comments.

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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DCA Regulations Final Review: Upon completion of the Final Statement of Reasons, Board staff submits the entire regulatory proposal to DCA Regulations Counsel for final review. In this stage Board staff work collaboratively with DCA Regulations Counsel. DCA Regulations Counsel may propose recommended changes to the Final Statement of Reasons or request additional underlying documents. Board staff will work with Regulations Counsel to address any concerns prior to the final submission to DCA.

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Final Departmental Review: Upon approval by the Board’s Regulations Counsel, Board staff submits the entire regulatory package for the Final Departmental Review which involves reviews by DCA Legal, DCA Budgets, DCA Executive Office, and the Business, Consumer Services and Housing Agency. Throughout this stage, additional documents may be requested or changes to the regulatory documents may be requested by DCA or the Business, Consumer Services and Housing Agency.

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Submission to OAL for Review: Upon approval by the Business, Consumer Services and Housing Agency, the completed rulemaking file is submitted to OAL. OAL has 30 working days to approve or deny the regulatory proposal. During this stage Board staff will work with the OAL Attorney to address any concerns with the regulatory documents or make non-substantive changes to the regulatory language. Board and DCA staff may also work with the Department of Finance to obtain approval of the Economic and Fiscal Impact Statement.

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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OAL Decision: Unless the Board requested an early effective date, upon approval by OAL regulations become effective on one of four quarterly dates based on when the final regulations are filed with the Secretary of State: January 1, if filed between September 1 and November 30; April 1, if filed between December 1 and February 29; July 1, if filed between March 1 and May 31; and October 1, if filed between June 1 and August 31. Following approval by OAL, Board staff will work internally to implement the new regulations.



MEMORANDUM

DATE	August 14, 2023
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 10(b): Discussion and Possible Action to Amend Regulations Regarding Speech-Language Pathology Assistant (SLPA) Supervision Requirements as stated in Title 16, CCR sections 1399.170, 1399.170.2, and 1399.170.15 through 1399.170.18

Background

This proposed regulatory change will permit tele-supervision as “direct” supervision of a speech-language pathology assistant (SLPA), require a higher level of supervision during the first 90 days of work following a SLPA’s initial licensure, require both a minimum level of experience and professional development training in supervision before supervising a SLPA, permit the supervision of three full-time equivalent support personnel not to exceed six support personnel at any time, incorporate by reference a revised supervision form, and revise the notice of termination form.

On May 10, 2023, the Board issued a 15-day notice of availability of the second modified text, and the comment period closed on May 25, 2023.

The Board received thirty-nine (39) written comments during the second 15-day comment period on the second modified text: seven (7) in support, seven (7) expressed objections or recommended changes, and twenty-five (25) were not related to the modifications made to the proposed regulations.

On June 14, 2023, the Board issued a 15-day notice of availability of the third modified text, and the comment period closed on June 29, 2023, to correct amendments made to section 1399.170.15(b)(1) which provided supervisors could qualify to supervise if they completed part-time equivalent hours for the required two years of full-time experience. As had been noticed to the public on May 10, 2023, in the second modified text, the text could be interpreted as two years working 3,120 hours. This was not the intent of the Board when it adopted modifications to the text on April 27, 2023. The third modified text corrects the text so that it could be more clearly understood as an alternative to the two years of full-time experience. The Board determined that 3,120 hours is a reasonable amount of time because it is calculated as two (2) full calendar years for someone who works thirty (30) hours per week in private practice.

The Board received eight (8) written comments during the third 15-day comment period on the third modified text: two (2) in support and six (6) were not related to the modifications made to the proposed regulations.

Board staff do not recommend any additional changes to the proposed text and have drafted Board responses to all of the comments the Board received during all of the public comment periods.

The Administrative Procedure Act (APA) does not require the Board to review or respond to written comments in support of this regulatory action during the final rulemaking process. However, the Board is required to review or respond to written comments that object or make a recommendation regarding the regulatory action or the procedures followed by the Board in proposing the regulatory action. The Board is also required to respond to any written comments received regarding the changes made to the proposed regulatory text if the comments received during the public comment period concern the most recent modifications made to the text.

Summary of Comments and Board Responses (45-Day Comment Period)

The Board received twenty-one (21) written comments during the initial 45-day comment period: four (4) in support, fifteen (15) expressed objections or recommended changes, one (1) inquired on the regulatory process, and one (1) was not related to the proposed regulatory changes.

Summary: The Board received a comment expressing concerns with SLPs supervising SLPAs outside of California and noted that supervision should be within the same state, company/district, even if it's teletherapy.

Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because the Board does not have jurisdiction outside of California. SLPs or SLPAs providing telehealth or teletherapy to patients outside of California are to check with the state licensing board where the client/patient resides regarding supervision requirements.

Summary: The Board received a comment asking if the required professional experience (RPE) would count for the two-year experience or if it would be required in the two years after permanent licensure.

Board Response on the TWO-YEAR PRACTICE EXPERIENCE REQUIREMENT: The Board decided not to change the proposed regulatory text to accommodate this comment because no objection or recommendation was provided. The academic and experience requirements to become licensed as a SLP are to prepare for entry-level practice and not management-level practice. The academic requirement is to take not less than six (6) hours of continuing professional development training before assuming responsibility as a supervisor. The experience requirement is to have gained of two (2) years of practice experience after becoming licensed, to ensure that SLPs who wish to be a supervisor have a higher level of knowledge and experience in the functions and duties related to the profession before observing and guiding others in the profession. As stated in the ISOR, the Board "finds that two (2) years of full-time experience is reasonable as this is the length of a renewal period for a SLP license." The academic and experience requirements, taken together, protect consumers.

Summary: The Board received a comment expressing opposition to the two-year experience requirement because it negatively impacts the progression of the field and the quality of services that students receive by creating huge workload for SLPs and unnecessary costs to school districts. The comment noted that SLPAs go through an entire program and receive their own specific license, so they should not have to be continuously supervised.

Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment based on the reasons stated in the Board Response on the TWO-YEAR PRACTICE EXPERIENCE REQUIREMENT, directly above. Furthermore, the Board does not believe the proposed changes negatively impact jobs or businesses because, as stated in the ISOR, the proposed regulatory action broadens and incorporates more flexibility into SLPA supervision while enhancing public safety. The Board believes that the increase in the number of support personnel that may be supervised and the greater flexibility allowed should alleviate any burdens the proposed changes may cause. Pursuant to BPC section 2538.1, the Board requires a SLPA to be supervised while licensed, and the Board defines the types of supervision available in 16 CCR section 1399.170 as immediate, direct, or indirect.

Summary: The Board received a comment expressing concern about SLPAs working without 100percent supervision.

Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because the Board requires SLPAs to be supervised while licensed pursuant to BPC section 2538.1, supervision which the Board defines in 16 CCR section 1399.170 as potentially being immediate, direct, or indirect.

Summary: The Board received two (2) comments recommending changes to be more specific and detailed regarding what is considered full-time equivalent support personnel and suggested the proposed language be revised to read: “two (2) part-time personnel in place of one (1) full-time personnel.”

Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because in 16 CCR section 1399.170, the Board defines full-time equivalent to mean a person who works at least thirty (30) hours per week.

Summary: The Board received a comment regarding the risks to public safety with SLPAs working without a SLP physically present and recommending the Board to encourage appropriate wages and in-person services.

Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because SLPAs are already permitted to provide services without their supervisor being physically present (16 CCR section 1399.170). The Board gives supervisors the discretion to determine the type and amount supervision needed after the first ninety days following the SLPA’s initial licensure, consistent with the skills and experience of the SLPA, the needs of the client, the work setting, the tasks assigned, and the laws and regulations. Issues regarding wages are outside the Board’s jurisdiction.

Summary: The Board received a comment expressing concern about changes to 16 CCR section 1399.153.95 regarding the supervision of RPE temporary license holders.

Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because 16 CCR section 1399.153.95, which concerns RPE temporary license holders' supervision is not among the regulation sections being amended in this proposed action.

Summary: The Board received a comment asking if there will be a grandfather clause or if SLPs who do not meet the two-year practice experience requirement will be forced to cease supervising.

Board Response: The Board determined that changes to the proposed regulatory text were necessary to accommodate this comment because, as currently written, all supervisors will have to meet all the requirements in 16 CCR section 1399.170.15 in order to supervise or continue supervision. This would be unduly burdensome to SLPAs and the Board, creating a large workload and significant fiscal impact to review all existing SLPA supervisors to ensure compliance. Therefore, the Board's staff proposed modifications to the text so that the requirements will apply to supervision forms submitted to the Board on and after the regulation's effective date. The Board recognizes that SLPs who do not meet the two-year practice experience requirement will not be able to assume a new supervision to replace a terminated supervision if that change occurs on and after the regulation's effective date until they have two years of practice experience. The Board estimates fifteen (15) percent of its licensed SLP population will fall under this category each year. The Board believes that the increase to the number of support personnel and the increased flexibility in supervision created by the proposed regulatory changes should alleviate the burden the two-year practice experience requirement may cause.

Summary: The Board received a comment recommending the Board make changes to align with the American Speech-Language-Hearing Association (ASHA) guidelines for SLPA supervision, which were recently updated, and suggesting revisions to the proposed language regarding the supervision of SLPAs during the first ninety (90) days following their initial licensure.

Board Response: The Board decided at the time not to change the proposed regulatory text to accommodate this comment. The Board subsequently determined at its April 2024 Board meeting that the comment warranted further discussion. However, as the suggested text language needs clarifying revisions to pass the Office of Administrative Law standards of review and, to prevent delaying the other proposed changes in this rulemaking, the Board determined that it was best to consider this recommendation in a subsequent rulemaking separate from this one.

Summary: The Board received a comment asking if a SLP can supervise three (3) full-time or six (6) part-time SLPAs.

Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because no objection or recommendation was provided. The proposed changes seek to give SLPs the flexibility to configure their support personnel in such a way that would allow them to have support personnel that is equivalent to three (3) full-time personnel by accommodating two (2) part-time personnel for one (1) full-time personnel, not to exceed a total of six (6) support personnel.

Summary: The Board received a comment recommending changes to the form to collect information on whether the SLPA is full-time or part-time and to define full-time equivalent. The comment expressed concerns with maximum number of support personnel and the risk to public safety and recommended the maximum number of allowed SLPA supervisees should be three (3).

Board Response: The Board determined that changes to the proposed regulatory text were necessary to accommodate the recommended changes to the supervision form because, without information on the SLPA's employment statuses, the Board will be unable to determine if the number of support personnel a supervisor has complies with the requirements proposed by this regulatory action.

The Board decided not to change the proposed regulatory text to accommodate the comment to address concerns regarding the number of support personnel because the Board recognizes that some support personnel may not be employed full-time. As stated in the ISOR, "it is common for SLPAs and SLP aides to work part-time at multiple locations or work part-time while pursuing higher education for career advancement." Therefore, the proposed changes seek to give SLPs the flexibility to configure their support personnel in such a way that would allow them to have support personnel that constitute the equivalent of three (3) full-time personnel by accommodating two (2) part-time personnel for one (1) full-time personnel not to exceed a total of six (6) support personnel.

Summary: The Board received a comment recommending revisions to the required professional development training in supervision to align with ASHA's requirements.

Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because the Board has had this requirement since 2001 and has similar requirements for the supervision of RPE temporary license holders. Because the academic and experience requirements to become licensed are to prepare for entry-level practice and not management-level practice, the Board finds it reasonable and good public protection to require six (6) hours of continuing professional development in supervision prior to beginning supervision.

Summary: The Board received a comment from the American Speech-Language-Hearing Association (ASHA) expressing support and recommending changes to the proposed regulatory text. The comment recommended clarifying the definitions of direct and indirect supervision and stated general support for tele-supervision per ASHA's 2022 guidelines. The comment recommended adding into 16 CCR section 1399.170.2(d) a minimum ongoing supervision requirement of documentation of direct supervision continuing to be provided by the supervisor every 30-60 days. The comment also recommended adding into 16 CCR section 1399.15(a) a requirement that supervision may vary based on a variety of factors identified in the commentor's recommended language. The comment noted that ASHA only requires a minimum of nine (9) months of experience after a supervisor is awarded their certification which differs to the requirements specified in 16 CCR section 1399.170.15(b)(1). The comment also expressed support and recommended changes to proposed changes to SLPA program/academic requirements.

Board Response: The Board decided not to change the proposed regulatory text to accommodate the comment regarding clarifying the definitions of direct and indirect supervision as the Board is satisfied with the clarity of the definitions of immediate, direct, or indirect supervision in 16 CCR section 1399.170. The Board also decided not to make any additional changes beyond the inclusion of tele-supervision within the definition of "direct supervision" in 16 CCR 1399.170(d) in the proposed regulatory text. The Board decided not to change the proposed regulatory text to accommodate the comment regarding minimum ongoing supervision in 16 CCR section 1399.170.2(d). The Board subsequently determined at its April 2024 Board meeting that the

comment warranted further discussion. However, because the suggested text language needed clarifying revisions to pass the Office of Administrative Law standards of review and, to prevent delaying the other proposed changes in this rulemaking, the Board determined that it was best to consider this recommendation in a subsequent rulemaking separate from this one.

The Board decided not to change the proposed regulatory text to accommodate the comment regarding 16 CCR section 1399.170.15(a) because the suggested language is duplicative. The suggested language is similar to the language being removed in 16 CCR section 1399.170.15(a) and as stated in the ISOR, the language “already exists in regulations” at 16 CCR section 1399.170.15(b)(3).

The Board decided not to change the proposed regulatory text to accommodate the comment regarding 16 CCR section 1399.170.15(b)(1) based on the reasons stated in the Board Response on the TWO-YEAR PRACTICE EXPERIENCE REQUIREMENT, above. The Board doesn’t believe nine (9) months is a sufficient amount of time in which to gain the necessary higher level of knowledge and experience, especially for newly licensed SLPs who are practicing independently without supervision for the first time.

The Board decided not to change the proposed regulatory text to accommodate the comment regarding SLPA program/academic requirements because that comment is not related to the proposed regulatory changes involved in this rulemaking.

Summary: The Board received a comment expressing opposition to changing gendered terms to gender-neutral terms in 16 CCR section 1399.170.17.

Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because the California State Legislature has encouraged state agencies to join them in an effort to revise policies, regulations, and other guidance to use inclusive language and avoid the use of gendered pronouns under Assembly Concurrent Resolution 260 (Low, Chapter 190, Statutes of 2018).

Summary: The Board received a comment asking for information on the regulatory process followed in proposing this regulatory change.

Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because no objection or recommendation was provided. *Note: Board staff responded to these comments and those responses are included with the Public Comments.*

Summary: The Board received a comment from the California Speech-Language Hearing Association (CSHA) expressing support and recommending changes to the proposed regulatory text. The comment recommended clarification to the definition of “immediate supervision” in 16 CCR section 1399.170(c), and to the definitions of “direct supervision” and “indirect supervision” in 16 CCR section 1399.170.2(d) and (e), recommending removal of the requirement of immediate supervision during the first ninety (90) days following initial SLPA licensure and allowing direct supervision instead, adding a direct reference into the supervision form such as a hyperlink in 16 CCR section 1399.170.15(c), and clarifying the requirements in 16 CCR section 1399.170.15(b)(3) when a supervisor is using the telehealth model. The comment expressed concerns with 16 CCR section 1399.170.17 and inquired how a lead supervisor is to determine what supervision is or isn’t being provided by another supervisor working for another organization.

Board Response: The Board decided not to change the proposed regulatory text to accommodate the comment regarding clarification to the definition of immediate supervision because the Board believes the language is clear that the supervisor is to be “physically present during services provided to the client by the speech-language pathology assistant” which is to say, the supervisor is physically present with both the SLPA and the client. This is because immediate supervision is required whenever a SLPA provides “direct client activity involving medically fragile patients” (16 CCR 1399.170.2). These patients are described as clients who are “acutely ill and in an unstable condition” (16 CCR section 1399.170). This type of client is not typically found in locations that are difficult for both the supervisor and SLPA to be physically present with the client. The Board decided not to change the proposed regulatory text as it is satisfied with the clarity of the definitions of “direct supervision” and “indirect supervision” in 16 CCR section 1399.170.2(d) and (e).

The Board determined that changes to the proposed regulatory text were necessary to accommodate the comment regarding the level of supervision during the first ninety (90) days of work following the SLPA’s initial licensure because immediate supervision may be burdensome for SLPs and may negatively impact consumers’ access to care. Because direct supervision has two methods, one of which is tele-supervision, the intent of this requirement is to ensure SLPAs receive adequate in-person supervision during their first ninety (90) days. The Board modified the text to specify that the direct supervision for this requirement must consist of on-site supervision and guidance. On-site supervision provides supervisors with an opportunity to monitor and evaluate a newly licensed SLPA’s ability to provide services while ensuring that the services provided by the SLPA are appropriate for the work setting and clients/patients being treated before allowing the SLPA to provide services at a lower level of supervision. This is because, as stated in the ISOR, a SLPA’s field work experience may be in a setting different from the work setting they are employed in. Furthermore, on-site supervision provides supervisors with an opportunity to quickly intervene to correct any actions that could cause harm to a client/patient

The Board decided not to change the proposed regulatory text to accommodate the comment regarding a direct reference to the supervision form such as a hyperlink because it is not common practice to codify hyperlinks into regulations due to changes that could occur to hyperlinks which could inherently make the information inaccurate.

The Board determined that changes to the proposed regulatory text were necessary to accommodate the comment regarding clarification to the requirements for the telehealth model because the existing language lacks clarity as it relates to the telehealth and tele-supervision work models. Replacing the term “site(s)” with the phrase “assigned service setting(s)” will better include the various settings that are found in telehealth and tele-supervision work models.

The Board decided not to change the proposed regulatory text to accommodate the comment regarding the responsibility of a lead supervisor because the sole responsibility a lead supervisor has is to assist the SLPAs in their compliance with their continuing professional development requirements. The Board determined at its August 2021 Board meeting that it would be burdensome to require the lead supervisor to be responsible for a SLPA’s supervision under other supervisors.

Summary: The Board received a comment during its Board meeting on February 24, 2023, asking if support personnel would include RPE temporary license holders.

Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because the Board had already discussed and determined at its August 2021 Board meeting that this regulatory proposal would not include RPE temporary license holders in the definition of support personnel.

Summary of Comments and Board Responses (First 15-Day Comment Period)

The Board received fourteen (14) written comments concerning the modifications to the proposed text: two (2) were in support, eight (8) expressed concerns, three (3) inquired about the regulatory process and one (1) was blank. Of the eight (8) comments expressing concerns, four (4) raised concerns related to the proposed modifications to the regulatory text and four (4) were not related to the modifications made to the proposed regulations.

Summary: The Board received comments addressing matters outside the scope of the proposed modifications. These comments expressed opposition to allowing SLPs to supervise up to 3 full-time SLPAs, or an equivalent amount up to six (6) support personnel, asked if the RPE would count for the two-year experience, commented that newly licensed SLPs are appropriately trained as supervisors to keep SLPAs supervised appropriately and requiring two years of full-time experience would mean not as many SLPAs which is a disservice to children in the community, and commented on economic hardship related to pay rates in private practices, pay differences between private practice and schools, inflation, and lower remittance from medical insurance.

Board Response: The Board decided not to change the proposed regulatory text to accommodate these comments because the comments received were not related to the modifications made to the proposed regulations pursuant to Government Code section 11346.8(c).

Summary: The Board received a comment expressing opposition to the required twenty (20) percent direct supervision consisting of on-site supervision and guidance during the initial ninety (90) days of a SLPA's licensure and expressed support for one hundred (100) percent tele-supervision.

Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because the Board finds it necessary to enhance public safety by requiring a higher level of supervision for newly licensed SLPAs. On-site supervision provides supervisors with an opportunity to monitor and evaluate a newly licensed SLPA's ability to provide services while ensuring that the services provided by the SLPA are appropriate for the work setting and clients/patients being treated before allowing the SLPA to provide services at a lower level of supervision. This is because, as stated in the ISOR, a SLPA's field work experience may be in a setting different from the work setting they are employed in. Furthermore, on-site supervision provides supervisors with an opportunity to quickly intervene to correct any actions that could cause harm to a client/patient. After this initial ninety-day period, the supervisor can determine the amount and type of supervision needed, consistent with the SLPA's skills and experience, the needs of the clients/patients, and work setting.

Summary: The Board received a comment asking for clarification as to the at least twenty (20) percent per week "onsite" supervision for the first ninety (90) days following initial licensure.

Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because no objection or recommendation was provided. In the interest of protecting the public, the Board is requiring direct supervision that is on-site for at least twenty (20) percent per week of the SLPA's schedule during the first ninety (90) days of work following the SLPA's initial licensure. After this initial ninety-day period, the supervisor can determine the amount and type of supervision needed consistent with the SLPA's skills and experience, the needs of the clients/patients, and work setting.

Summary: The Board received a comment outside of the scope of the modifications asking if there will be accommodations for a part-time SLPs to get credit for the required two years full-time experience.

Board Response: The Board determined that changes to the proposed regulatory text were necessary to accommodate this comment because the Board recognized that SLPs may have an employment status different than the one defined in the proposed regulations. Because of this, despite the comment being outside the scope of the modifications, the Board modified the text to include 3,120 hours as an equivalent for the two years of full-time experience. The Board determined that 3,120 hours is a reasonable amount of time based upon it being two (2) full calendar years for someone who works thirty (30) hours per week in private practice.

Summary: The Board received a comment from ASHA expressing support for tele-supervision and recommended one hundred (100) percent direct supervision (including synchronous or live tele supervision) of SLPAs for medically fragile clients/patients. The comment noted that the amount and type of supervision must be consistent with the SLPA's competency and skill level and not a specific percentage. The comment also noted that the SLP is responsible for determining how many SLPAs can be supervised while maintaining the highest level of quality for services provided and that no other states allow supervision of up to six (6) support personnel.

Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because the Board is permitting direct supervision to be provided through electronic means. However, the Board will continue to require supervisors to be physically present during services provided by the SLPA if the client is medically fragile. This is because medically fragile clients are "acutely ill and in an unstable condition" (16 CCR section 1399.170). By requiring physical presence for this supervision, the supervisor can quickly intervene to correct any actions a SLPA performs that could cause harm to a medically fragile client.

The Board provides supervisors with the ability to determine the amount and type of supervision needed that is consistent with the SLPA's skills and experience, the needs of the clients/patients, and work setting. However, the Board finds it necessary to enhance public safety by requiring a higher level of supervision for newly licensed SLPAs during their first ninety (90) days of licensure. As stated in the ISOR, a SLPA's field work experience may be in a setting different from the work setting they are employed in. On-site supervision provides supervisors with an opportunity to monitor and evaluate a newly licensed SLPA's ability to provide services while ensuring that the services provided by the SLPA are appropriate for the work setting and clients/patients being treated before allowing the SLPA to provide services at a lower level of supervision. Furthermore, on-site supervision provides supervisors with an opportunity to quickly intervene to correct any actions that could cause harm to a client/patient. After this initial ninety-day period, the supervisor can determine the amount and type of supervision consistent with the SLPA's skills and experience, the needs of the clients/patients, and work setting. The Board chose to specify a

weekly percentage of twenty (20) hours per week and not a just number of hours total in the first ninety (90) days to create consistent standards by making the requirement proportional across different work schedules.

The Board decided not to change the proposed regulatory text to accommodate the comment regarding the number of support personnel because that comment was not related to the modifications made to the proposed regulations pursuant to Government Code section 11346.8(c).

Summary: The Board received a comment recommending changes to the required practice experience of twenty-four (24) months or 3,120 hours, whichever comes first, and recommending grandfathering in current supervisors. The comment also recommended changes to the supervision of SLPAs during the first ninety (90) days following their initial licensure to be seventy-two (72) hours of direct observation and guidance, and noted the negative financial impacts to private practices.

Board Response: The Board determined that changes to the proposed regulatory text were necessary to accommodate the recommendations to change the required practice experience because the Board recognized that SLPs may have an employment status (part-time) different to the one presumed in the proposed regulations (full-time). Therefore, the Board modified the text to allow 3,120 hours to be equivalent to the two years of full-time experience requirement. The Board determined that 3,120 hours is a reasonable amount of time based on it being two (2) full calendar years for someone who works thirty (30) hours per week in private practice.

The Board also modified the text so that the requirements apply only to supervision forms submitted to the Board on and after the regulation's effective date. As currently written, all supervisors would have to meet all the requirements in 16 CCR section 1399.170.15 in order to supervise or continue supervision. This would be unduly burdensome for the Board by creating a large workload and fiscal impact to review all SLPA supervision and ensure compliance. The Board recognizes that SLPs who do not meet the two-year practice experience requirement will not be able to assume a new supervision to replace a terminated supervision that occurs on and after the regulation's effective date until they have two years of practice experience. The Board estimates fifteen (15) percent of its licensed SLP population will fall under this category each year. The Board believes that the increase in both the number and types of support personnel allowed to be supervised by these regulatory changes should alleviate the burden this two years of experience requirement may cause.

The Board did not accommodate the recommendations to change the supervision of SLPAs during the first ninety (90) days due to concerns that supervisors would frontload this requirement. The recommended changes would mean the requirement could be completed within thirty (30) days and not over ninety (90) days. The intent of this requirement is to establish adequate supervision for newly licensed SLPAs because, as stated in the ISOR, a SLPA's field work experience may be in a setting different from the work setting they are employed in. The Board estimates twelve (12) percent of its licensed SLPA population will fall under this category. Furthermore, the Board does not believe the proposed changes negatively impact jobs or businesses because the proposed regulatory action broadens and incorporates new flexibility into SLPA supervision while enhancing public safety. The Board doesn't believe requiring on-site supervision for twenty (20) percent per week of a SLPA's work schedule to be burdensome because an on-site direct supervision may include observing, coaching, or modeling screening or treatment (16 CCR sections 1399.170 and 1399.170.2). Because this requirement applies to newly licensed SLPAs employed for the first

time and does not apply to SLPAs who have previously worked for more than ninety (90) days, the Board estimates twelve (12) percent of its licensed SLPA population will need to comply with these greater supervision requirements each year.

Summary of Comments and Board Responses (Second 15-Day Comment Period)

The Board received thirty-nine (39) written comments during the second 15-day comment period on the second modified text: seven (7) in support, seven (7) expressed objections or recommended changes, and twenty-five (25) were not related to the modifications made to the proposed regulations.

Summary: The Board received twenty-five (25) comments addressing matters outside the scope of the proposed modifications. These comments were:

- expressing support for tele-supervision,
- expressing opposition to the direct supervision that must consist of on-site observation,
- asking if there is a specified percentage of time for observation of SLPAs licensed beyond the first ninety (90) days of initial licensure,
- recommending changes to the twenty (20) percent direct supervision to include remote supervision,
- recommending changes to the number of support personnel to allow for a full-time equivalent employee,
- expressing concerns about regulations that limit service delivery models and the need for flexibility and a remote option,
- commenting on how the cost of living in California impacts hiring and retention and having access to SLPs nationally who can supervise California SLPAs could alleviate some of the hiring strains to be able to service patients and decrease waiting lists,
- expressing opposition to tele-supervision for new SLPAs,
- expressing opposition to the six (6) hours of training before supervision and recommending keeping the current requirement of obtaining that training during the initial two-year period,
- expressing concerns with SLPAs working independently on full caseloads with little to no supervision and patients being unaware who their treating provider is,
- commenting on the benefit of in-person supervision, and
- questioning the need to complete six (6) hours of continuing professional development (CPD) in supervision, when the CPD needs to be completed, and how long it is good for once completed.

Board Response: The Board decided not to change the proposed regulatory text to accommodate these comments because the comments received were not related to the modifications made to the proposed regulations pursuant to Government Code section 11346.8(c).

Summary: The Board received a comment expressing opposition to the two-year practice experience requirement, and the modifications to the text added an alternative of working 3,120 hours to the two-year full-time practice requirement.

Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment for the reasons stated in the section labeled Summary of Comments and Board Responses (45-Day Comment Period) in the response labeled Board Response on the TWO-YEAR PRACTICE EXPERIENCE REQUIREMENT.

Summary: The Board received a comment recommending the removal of the two-year practice experience requirement and the removal of “on-site observation and guidance” from the direct supervision required of a SLPA during the initial ninety (90) days of a SLPA’s licensure.

Board Response: The Board decided not to change the proposed regulatory text to accommodate the comment regarding the two-year practice experience, for the reasons stated in the section labeled Summary of Comments and Board Responses (45-Day Comment Period) in the response labeled Board Response on the TWO-YEAR PRACTICE EXPERIENCE REQUIREMENT.

The Board decided not to change the proposed regulatory text to accommodate the comment regarding the requirement that direct supervision consist of “on site observation and guidance” during the initial ninety (90) days of a SLPA’s licensure because the comment was not related to the modifications made to the proposed regulations pursuant to Government Code section 11346.8(c).

Summary: The Board received a comment recommending clarification to the phrase “on-site observation.” The comment also recommended focusing on SLPs getting supervision training and not on SLPs’ length of experience in the practice before supervising a SLPA.

Board Response: The Board decided not to change the proposed regulatory text to accommodate the comment regarding clarification to “on-site observation” and focusing on supervision training because the comments were not related to the modifications made to the proposed regulations pursuant to Government Code section 11346.8(c).

The Board has had a supervision training requirement since 2001 and has similar requirements for RPE temporary license holder supervision. The Board is adding a two (2) years of practice experience requirement for supervisors for the reasons stated in the section labeled Summary of Comments and Board Responses (45-Day Comment Period) in the response labeled Board Response on the TWO-YEAR PRACTICE EXPERIENCE REQUIREMENT.

Summary: The Board received three (3) comments recommending changing the two-year practice experience requirement for supervisors to nine (9) months to align with the ASHA practice experience requirement for supervisors and reducing the requirement that twenty (20) percent per week of direct supervision must be on-site supervision and guidance during the initial ninety (90) days of a SLPA’s licensure to ten (10) percent.

Board Response: The Board decided not to change the proposed regulatory text to accommodate the comment regarding changing the two-year practice experience requirement for supervisors for the reasons stated in the section labeled Summary of Comments and Board Responses (45-Day Comment Period) in the response labeled Board Response on the TWO-YEAR PRACTICE EXPERIENCE REQUIREMENT. While at its April 2024 Board meeting the Board indicated aligning with ASHA standards warranted further discussion, to prevent delaying the other proposed changes in this rulemaking the Board has decided to consider that recommendation in a subsequent rulemaking separate from this one. At this time, the Board doesn’t find that nine (9) months is sufficient time in which a SLP can gain a sufficiently higher level of knowledge and experience, especially newly licensed SLPs who are practicing independently without supervision for the first time.

The Board decided not to change the proposed regulatory text to accommodate the comment regarding the requirement that twenty (20) percent per week direct supervision must be on-site supervision and guidance during the initial ninety (90) days of a SLPA's licensure because the comment was not related to the modifications made to the proposed regulations pursuant to Government Code section 11346.8(c).

Summary: The Board received a comment recommending that the two-year practice experience requirement for supervisors include 3,120 hours or 2,160 hours and amending twenty (20) percent direct supervision per week to seventy-two (72) hours of direct observation and guidance within the first ninety (90) days of employment.

Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because the Board approved modifications to the proposed regulatory text on April 27, 2023, to include 3,120 hours as an equivalent for the two years of full-time experience required by this proposed regulation.

The Board decided not to change the proposed regulatory text to accommodate the comment regarding reducing to ten (10) percent per week the direct supervision requirement during a SLPA's first ninety (90) days of initial licensure because the comment was not related to the modifications made to the proposed regulations pursuant to Government Code section 11346.8(c).

Summary of Comments and Board Responses (Third 15-Day Comment Period)

The Board received eight (8) written comments during the third 15-day comment period on the third modified text: two (2) in support and six (6) were not related to the modifications made to the proposed regulations.

Summary: The Board received six (6) comments asking about the required "on-site observation and guidance" supervision during the first ninety (90) days of SLPA initial licensure, expressing concerns with the changes to the number of support personnel and recommending that it be based on the number of people receiving services or the number of SLPs, expressing opposition to the two-year practice experience requirement and recommending that it be reduced to nine (9) months, and expressing opposition to the requirement that twenty (20) percent per week of direct supervision must be on-site observation and guidance during a SLPA's first ninety (90) days of initial licensure and recommending that it be virtual supervision.

Board Response: The Board decided not to change the proposed regulatory text to accommodate these comments because the comments received were not related to the modifications made to the proposed regulations pursuant to Government Code section 11346.8(c).

Summary of Comments and Board Responses (Late Submission)

Summary: The Board received a comment recommending a minimum, quantifiable, measurable method for SLPA supervision after the initial 90 days of licensure.

Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because the comments received were not related to the modifications made to the proposed regulations on June 14, 2023, pursuant to Government Code section 11346.8(c).

Action Requested

Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to approve the Board's responses to comments as currently drafted or propose changes to the Board's responses, and direct Board Staff to prepare the necessary documents to complete the rulemaking process.

Suggested Motion

Move to approve the proposed Board responses to Comments, and direct staff to take all steps necessary to complete the rulemaking process, including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed regulations at Title 16, CCR Sections 1399.170, 1399.170.2, and 1399.170.15 through 1399.170.18, as noticed.

Attachment A: SLPA Supervision Requirements 45-day Public Comments

Attachment B: SLPA Supervision Requirements First 15-day Public Comments

Attachment C: SLPA Supervision Requirements Second 15-day Public Comments

Attachment D: SLPA Supervision Requirements Third 15-day Public Comments

Attachment E: SLPA Supervision Requirements Late Submission Public Comments

Attachment F: SLPA Supervision Requirements Order of Adoption

Speech-Language Pathology Assistant (SLPA)
Supervision Requirements
Public Comments

Initial Public Comments

Received November 11, 2022 – December 27, 2022

Modified Text Public Comments

Received March 9, 2023 – March 24, 2023

Second Modified Text Public Comments

Received May 10, 2023 – May 25, 2023

Third Modified Text Public Comments

Received June 14, 2023 – June 29, 2023

To request a copy of the public comments, please send an email to speechandhearing@dca.ca.gov.

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD**

Speech-Language Pathology Assistant
Supervision Requirements

ORDER OF ADOPTION

Amend section 1399.170 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170. Definitions

As used in this article:

(a) "Accountability" means being legally responsible and answerable for actions and inactions of self or others during the performance of a task by the speech-language pathology assistant.

(b) "Client" shall have the same meaning and effect as the term "patient" and "student," when referring to services provided in a school or other setting, for purposes of interpreting the provisions in this Article.

(c) "Immediate supervision" means the supervising speech-language pathologist is physically present during services provided to the client by the speech-language pathology assistant.

~~(c)~~(d) "Direct supervision" means on-site observation and guidance or synchronous audiovisual observation and guidance by the supervising speech-language pathologist while a clinical activity is performed by the speech-language pathology assistant. Direct supervision performed by the supervising speech-language pathologist may include, but is not limited to, the following: observation of a portion of the screening or treatment procedures performed by the speech-language pathology assistant, coaching the speech-language pathology assistant, and modeling for the assistant.

~~(d) "Immediate supervision" means the supervising speech-language pathologist is physically present during services provided to the client by the speech-language pathology assistant.~~

(e) "Indirect supervision" means the supervising speech-language pathologist is not at the same facility or in close proximity to the speech-language pathology assistant, but is available to provide supervision by asynchronous electronic means. Indirect supervision activities performed by the supervising speech-language pathologist may include, but are not limited to, demonstration, record review, review and evaluation of audio or

~~videotaped~~ video-taped sessions, interactive television, and supervisory conferences that may be conducted by telephone or electronic mail.

(f) “Medically fragile” is the term used to describe a client that is acutely ill and in an unstable condition and if treated by a speech-language pathology assistant, immediate supervision by a speech-language pathologist is required.

(g) “Screening” is a pass-fail procedure to identify, without interpretation, clients who may require further assessment following specified screening protocols developed by the supervising speech-language pathologist.

(h) “Supervision” for the purposes of this article, means the provision of direction and evaluation of the tasks assigned to a speech-language pathology assistant. Methods for providing supervision include ~~direct supervision~~, immediate supervision, direct supervision, and indirect supervision.

(i) “Support personnel” means individuals who, following academic and/or on-the-job training, perform tasks as prescribed, directed and supervised by a speech-language pathologist. There are different levels of support personnel based on training and scope of responsibilities.

(j) “Full-time equivalent” means at least thirty (30) hours per week.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code.
Reference: Section 2538.1(b), Business and Professions Code.

Amend section 1399.170.2 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.2. Types of Supervision Required for Duties Performed by a Speech-Language Pathology Assistant.

(a) Duties performed by the speech-language pathology assistant that require immediate supervision may include, but are not limited to, any direct client activity involving medically fragile patients. In such instances, the speech-language pathology assistant shall act only under the direction of the supervisor.

(b) Duties performed by the speech-language pathology assistant that require direct supervision may include, but are not limited to, any new screening or treatment activity that the assistant has been trained to perform by the supervisor, but has not yet been performed by the speech-language pathology assistant in direct client care.

(c) Duties performed by the speech-language pathology assistant that require indirect supervision may include, but are not limited to, the following:

(1) Screening or treatment activities where the supervisor has previously given instructions as to how to perform the task, has observed the assistant in the conduct of these activities, and is satisfied that the activities can be competently performed by the speech-language pathology assistant, i.e., repetitive drill exercises, generalization or carryover activities;

(2) Clerical tasks such as record keeping, materials preparation, scheduling, equipment maintenance; and,

(3) Other non-client care activities.

(d) Notwithstanding subdivisions (a), (b), and (c), the supervisor shall provide supervision to the speech-language pathology assistant following their initial licensure in accordance with 1399.170.15(b)(4). The supervisor shall maintain a record in the speech-language pathology assistant's personnel file that verifies that the speech-language pathology assistant meets the requirements in this subdivision.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code. Reference: Section 2538.1(b)(7), Business and Professions Code.

Amend section 1399.170.15 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.15. Requirements for the Supervision of the Speech-Language Pathology Assistant.

(a) The supervising speech-language pathologist (hereinafter called "supervisor") is responsible for designing and implementing a supervisory plan that protects client care and maintains the highest possible standards of quality. ~~The amount and type of supervision required should be consistent with the skills and experience of the speech-language pathology assistant, the needs of the clients, the service setting, the tasks assigned, and the laws and regulations that govern speech-language pathology assistants.~~ Treatment of the client remains the responsibility of the supervisor.

(b) Any person ~~supervising~~ registering a speech-language pathology assistant registered with the Board ~~on or after April 10, 2001,~~ (hereinafter called "supervisor") shall ~~submit, within thirty (30) days of the commencement of such supervision, the "Responsibility Statement for Supervision of a Speech-Language Pathology Assistant" (77S-60, New 12/99), which requires that:~~ meet all of the following requirements:

(1) ~~The supervisor shall p~~ossess and maintain a current, active, and unrestricted valid California license as a speech-language pathologist as required in Section 2532 of the Code and Section 1399.160.3 of California Code of Regulations or may hold a ~~valid and~~ current, active, and unrestricted professional clear, clear, or life clinical or rehabilitative services credential in language, speech and hearing, or speech-language pathology services credential issued by

the California Commission on Teacher Credentialing, and have at least two years of full-time experience or 3,120 hours providing services as a licensed or credentialed speech-language pathologist. "Full-time experience" as used in this section means the individual works a minimum of thirty (30) hours per week for at least thirty-six (36) weeks in a calendar year.

~~(2) The supervisor shall immediately notify the assistant of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or lapse in licensure, which affects the supervisor's ability or right to supervise.~~

~~(3) The supervisor shall ensure that the extent, kind, and quality of the clinical work performed is consistent with the training and experience of the person being supervised, and be accountable for the assigned tasks performed by the speech-language pathology assistant. The supervisor shall review client/patient records, monitor and evaluate assessment and treatment decisions of the speech-language pathology assistant, and monitor and evaluate the ability of the assistant to provide services at the site(s) where he or she will be practicing assigned service setting(s) and the particular clientele being treated, and ensure compliance with all laws and regulations governing the practice of speech-language pathology.~~

(4) Provide direct supervision that consists of on-site observation and guidance at least twenty (20) percent per week of the speech-language pathology assistant's work schedule for the first ninety (90) days following initial licensure. The supervisor shall maintain a record in the speech-language pathology assistant's personnel file that verifies that the speech-language pathology assistant meets the requirements in this subdivision.

~~(45) The supervisor shall complete not less than six (6) hours of continuing professional development in supervision training in the initial two-year period from prior to assuming responsibility as a supervisor, the commencement of supervision, and three (3) hours in supervision training of continuing professional development every two four (4) years thereafter. Continuing professional development training obtained by a Board-approved provider that meets the course content listed below, may be applied towards the continuing professional development requirement for licensees set forth in Section 1399.160.3 of the California Code of Regulations. The content of such training shall include, but is not limited to:~~

~~(A) Familiarity with supervision literature through reading assignments specified by course instructors; and~~

~~(B) Improving knowledge and understanding of the relationship between the speech-language pathologist and the assistant, and the relationship between the speech-language pathologist and the client;~~

(C) Structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;

(D) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and

(E) The practice of clinical speech-language pathology including the mandated reporting laws and knowledge of ethical and legal issues.

~~(56) The supervisor shall m~~Maintain records of course completion in supervision training for a period of two years from the speech-language pathology assistant's renewal date.

~~(67) The supervisor knows and understands~~Review with the speech-language pathology assistant the laws and regulations pertaining to supervision and practice of speech-language pathology assistants.

~~(78) As the professional development advisor, the supervisor shall assist in the d~~Development of a plan for the speech-language pathology assistant to complete twelve (12) hours of continuing professional development every two years through state or regional conferences, workshops, formal in-service presentations, independent study programs, or any combination of these concerning communication disorders.

~~(89) The supervisor shall communicate to the speech-language pathology assistant the manner in which emergencies will be handled.~~Provide the speech-language pathology assistant with a plan for how to handle emergencies.

(10) Assume responsibility for all services provided to clients by the speech-language pathology assistant that is being supervised.

~~(9c) Upon written request of the Board, t~~The supervisor shall provide to the Board within thirty (30) business days from the start date of supervision any documentation the "Responsibility Statement for Supervisors of a Speech-Language Pathology Assistant" (DCA-SLPAHADB-SPA-110, Rev. 4/23), which is hereby incorporated by reference as if set forth in full herein. This form verifies the supervisor's compliance with the requirements set forth in this article. The supervisor shall provide a copy of the completed form to the assistant within forty-five (45) business days from the commencement date of supervision.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code. Reference: Sections 2530.2(f), 2538.1(b)(5), (6), (7) and (9), Business and Professions Code.

Amend section 1399.170.16 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.16. Maximum Number of Support Personnel.

A supervisor shall not supervise more than three (3) full-time equivalent support personnel, and shall not exceed more than (6) support personnel at any time. more than two of which hold the title of speech-language pathology assistant. Support personnel includes speech-language pathology assistants and speech-language pathology aides.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code. Reference: Section 2538.1(b)(8), Business and Professions Code.

Amend section 1399.170.17 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.17. Multiple Supervision.

If a speech-language pathology assistant has more than one supervisor, each supervisor shall submit a Supervisor-Responsibility Statement for Supervisors of a Speech-Language Pathology Assistant (DCA-SLPAHADB-SPA-110, Rev. 4/23). Of the multiple supervisors, one shall be designated as the lead supervisor for purposes of assisting the speech-language pathology assistant in his or her ~~their~~ compliance with the continuing professional development requirement.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code. Reference: Sections 2530.2(f) and 2538.1(b)(5)-(9), Business and Professions Code.

Amend section 1399.170.18 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.18. Notice of Termination.

At the time of termination of supervision, the supervisor shall notify the Board in writing, complete the "Termination of Supervision" form (77S-61 New 12/99). This original signed ~~form~~ notification shall be submitted to the Board by the supervisor within fourteen (14) days of termination of supervision. The supervisor shall provide a copy of the completed notification to the speech-language pathology assistant within forty-five (45) business days of termination of supervision.

(a) Written notification for the purposes of this section shall include the full legal name and license number of the speech-language pathology assistant; the effective date of the termination; and the supervisor's full legal name, license or credential number, business address, telephone number, and signature.

(b) The notification shall contain a certification under penalty of perjury that all statements made in the Termination of Supervision document are true in every respect and that misstatements or omissions of material facts may be cause for denial of the application to terminate supervision, or for suspension or revocation of a license.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code.
Reference: Sections 2530.2(f) and 2538.1(b)(5)-(9), Business and Professions Code.



RESPONSIBILITY STATEMENT FOR SUPERVISORS OF A SPEECH-LANGUAGE PATHOLOGY ASSISTANT

INSTRUCTIONS TO SUPERVISORS: Complete the following sections, read the statements, and sign on page 2 and 3. This form must be submitted to the Board within 30 business days from the start date of supervision. **Do not use white out on or fax this form.**

This completed form must be submitted to the Board as required by Title 16, California Code of Regulations (CCR) section 1399.170.15. The information requested on this form is mandatory and must be submitted to remain in compliance with section 1399.170.15. The information provided will be used to determine compliance with section 1399.170.15.

Division 13.4 of Title 16, California Code of Regulations Section 1399.170.15 requires that any qualified speech-language pathologist who assumes responsibility for providing supervision to a registered speech-language pathology assistant to complete and sign under penalty of perjury, the following statement.

PART A: SPEECH-LANGUAGE PATHOLOGY ASSISTANT INFORMATION

1. FULL LEGAL NAME:	LAST	FIRST	MIDDLE
2. SPEECH-LANGUAGE PATHOLOGY ASSISTANT LICENSE NUMBER			
3. STREET ADDRESS:			
CITY, STATE, ZIP CODE:			
4. EMAIL ADDRESS:			

PART B: SUPERVISOR INFORMATION

1. FULL LEGAL NAME OF SUPERVISOR:	LAST	FIRST	MIDDLE
2. SPEECH-LANGUAGE PATHOLOGY LICENSE NUMBER OR CLEAR CREDENTIAL DOCUMENT NUMBER			
3. STREET ADDRESS:			
CITY, STATE, ZIP CODE:			
4. EMAIL ADDRESS:			

Refer to Title 16, California Code of Regulations (16 CCR), Section 1399.170.15 for a supervisor's responsibilities.

PART C: SUPERVISION

5. DATE SUPERVISION BEGAN: (MM/DD/YY)	
6. ARE YOU SUPERVISING AN ASSISTANT WHO HAS MORE THAN ONE SUPERVISOR?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, please indicate whether you will be the supervisor designated as the lead supervisor for the purposes of assisting the speech-language pathology assistant in their compliance with the requirements pursuant to 16 CCR section 1399.170.17.	
	<input type="checkbox"/> YES <input type="checkbox"/> NO

16 CCR section 1399.170.15 requires any qualified speech-language pathologist who assumes responsibility for providing supervision to a registered speech-language pathology assistant to complete and sign the following statement.

† Duties and Responsibilities of Speech-Language Pathology Assistant †

I have reviewed with my supervisor the laws and regulations pertaining to the practice of speech-language pathology assistant.

ASSISTANT SIGNATURE

PRINTED NAME OF ASSISTANT

DATE

† Duties and Responsibilities of Supervisor †

- 1) I possess the following qualifications to supervise an assistant: a current, active, and unrestricted Speech-Language Pathology license issued by the Board, or (if employed by a public school) a valid, active, and unrestricted credential authorizing services in language, speech, and hearing issued by the Commission on Teacher Credentialing, and have at least two years of full-time experience or 3,120 hours providing services as a licensed or credentialed speech-language pathologist. "Full-time experience" means the individual works a minimum of thirty (30) hours per week for at least thirty-six (36) weeks in a calendar year.
- 2) I will immediately notify the assistant of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or lapse in licensure that affects my ability or right to supervise.
- 3) I will ensure that the extent, kind, and quality of the clinical work performed is consistent with the training and experience of the assistant and I shall be accountable for the assigned tasks performed by the assistant. I will review client/patient records, monitor and evaluate the ability of the assistant to provide services at the assigned service setting(s) and the particular clientele being treated and ensure compliance with all laws and regulations governing the practice of speech-language pathology.
- 4) I will provide direct supervision that consists of on-site observation and guidance at least twenty (20) percent per week of the assistant's work schedule for the first ninety (90) days following initial licensure. The lead supervisor is responsible for ensuring the assistant meets the requirement in 16 CCR section 1399.170.2(d).
- 5) I will complete no less than six (6) hours of continuing professional development in supervision training prior to assuming responsibility as a supervisor, and three (3) hours in supervision training every four (4) years thereafter.
- 6) I will maintain records of course completion in supervision training for a period of two (2) years from the assistant's registration renewal date.
- 7) I have reviewed with the assistant the laws and regulations pertaining to supervision and practice of assistants.
- 8) I will develop a plan for the assistant to complete twelve (12) hours of continuing professional development every two (2) years, through state or regional conferences, workshops, formal in-service presentations, independent study programs, or any combination of these, concerning communication disorders.
- 9) I will provide the assistant with a plan for how to handle emergencies.
- 10) I assume responsibility for all services provided to clients by the assistant that is being supervised.
- 11) I will provide the Board with this original signed form within thirty (30) business days from the commencement date of supervision, which verifies my compliance with the requirements set forth in Article 12 of Division 13.4 of Title 16, California Code of Regulations. I will provide a copy of this completed form to the assistant within forty-five (45) business days from the commencement date of supervision.
- 12) I will not supervise more than three (3) full-time equivalent support personnel, and I shall not exceed six (6) support personnel at any time.
- 13) At the time of termination of supervision, I will notify the Board in writing and submit the original signed notification to the Board within fourteen (14) calendar days of termination of supervision. I will provide a copy of the completed notification to the assistant within forty-five (45) business days of termination of supervision.

★ Duties and Responsibilities of Supervisor ★
cont'd

SIGNATURE OF SUPERVISOR

PRINT FULL LEGAL NAME OF SUPERVISOR

LICENSE NUMBER OR CREDENTIAL NUMBER
(Please attach a copy of the front and back of your credential)

DATE

Speech Language Pathology Assistant's Name

SPA Number

Supervisor's Name

License or SSN Number

As the supervisor:

1) ~~I possess the following qualifications to supervise a speech language pathology assistant:~~

~~A California license issued by the Speech Language
Pathology and Audiology Board~~

~~-OR-~~

~~License #~~

~~Issue Date~~

~~A valid and current Professional Clear, Clear, or Life Clinical or Rehabilitative Services~~

~~Credential in language, speech, and hearing issued by
the California Commission on Teacher Credentialing~~

~~(please attach a copy of the credential front and back)~~

~~SSN #~~

~~Issue Date~~

2) ~~I will immediately notify the assistant of any disciplinary action, including revocation, suspension, even if stayed, probation terms, inactive license, or lapse in licensure, that effects my ability or right to supervise.~~

3) ~~I will complete not less than six (6) hours of continuing professional development in supervision training in the initial two year period from the commencement of supervision, and three (3) hours in supervision training every two years thereafter pursuant to Section 1399.170.15(b)(4) of the California Code of Regulations.~~

4) ~~I will maintain records of course completion for a period of two years from the speech language pathology assistant's registration renewal date.~~

5) ~~I know and understand the laws and regulations pertaining to the supervision of assistants and the experience required for registration as a speech language pathology assistant.~~

6) ~~I will ensure that the extent, kind, and quality of the clinical work performed is consistent with the training and experience of the speech language pathology assistant and shall be accountable for the assigned tasks performed by the speech language pathology assistant.~~

7) ~~I will review client/patient records, monitor and evaluate assessment and treatment decisions of the speech language pathology assistant, monitor and evaluate the ability of the assistant to provide services at the site(s) where he or she will be practicing and to the particular clientele being treated, and ensure compliance with all laws and regulations governing the practice of speech language pathology.~~

8) ~~I will assist with the development of a plan for the speech language pathology assistant to complete twelve (12) hours of continuing professional development every two years, through state or regional conferences, workshops, formal in-service presentations, independent study programs, or any combination of these, concerning communication disorders.~~

9) ~~I will address with the speech language pathology assistant the manner in which emergencies will be handled.~~

10) ~~I will provide this board with this original signed form within thirty (30) calendar days of commencement of any supervision. I will provide a copy of this form to the speech language pathology assistant.~~

11) ~~At the time of termination of supervision, I will complete the "Termination of Supervision" form 77ST(new 12/09). I will submit the original signed form to the board within fourteen (14) calendar days of termination of supervision.~~

12) ~~Upon written request of the board, I will provide to the board any documentation which verifies my compliance with the requirements set forth in this statement.~~

13) I will not supervise more than three (3) support personnel, not more than two of which hold the title of speech-language pathology assistant.

Multiple Supervision Statement

Are you supervising an assistant who has more than one supervisor?

Yes No

If yes, please indicate whether you will be the supervisor designated as the lead supervisor for the purposes of assisting the speech-language pathology assistant in his or her compliance with the continuing professional development requirement pursuant to section 1399.170.17 of the California Code of Regulations.

Yes No

I declare under penalty of perjury under the laws of the State of California that I have read and understand the foregoing and the information submitted on this form is true and correct.

Printed Name of Qualified Supervisor Signature of Qualified Supervisor Date

Date Supervision Commenced

Mailing Address: Number and Street City State Zip Code

Qualified Supervisor's Daytime Telephone Number: () _____

Printed Name of Speech Language Pathology Assistant Signature of Speech Language Pathology Assistant Date

SOCIAL SECURITY DISCLOSURE NOTICE

Disclosure of your Social Security Number (SSN) is mandatory. Section 30 of the Business and Professions Code and Public Law 94-455 (42 USCA 405 (c) (2) C)) authorize collection of your SSN. Your SSN will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with Section 11350.6 of the Welfare and Institutions Code, or for verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your SSN, you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.

77S-60(NEW 12/99)

NOTICE OF COLLECTION OF PERSONAL INFORMATION

The information collected on this form may be provided to other governmental agencies, or in response to a court order, subpoena, search warrant, or Public Records Act request. You have a right of access to records containing personal information unless the records are exempted from disclosure pursuant to the Information Practices Act (Civil Code section 1798 et seq.). Individuals may obtain information regarding the location of their records by contacting the Board's Executive Officer at the Board's address listed above.



MEMORANDUM

DATE	August 14, 2023
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 10(h): Discussion and Possible Action to Amend Regulations Regarding Approved Institutions as Stated in Title 16, CCR Section 1399.152

Background

Business and Professions (B&P) Code section 2532.25 (a) requires applicants for an audiology license have a doctorate in audiology from an educational institution approved by the Board. The Board approves educational institutions based on the standards found in 16 CCR section 1399.152.

In July 2017, the Board received a letter from the Accreditation Commission for Audiology Education (ACAE) requesting the Board to verify if they meet the requirements to be an accrediting body for programs where individuals can complete their academic and clinical requirements for licensure. The Board met to discuss the letter at its October 2017 meeting and expressed concerns of potential limitations to the Board's ability to review and/or approve other accrediting bodies. The Board delegated the responsibility to Board staff to amend section 1399.152 to address those concerns, and to provide a letter to ACAE approving them as an accrediting body for programs where individuals can complete their academic and clinical requirements for licensure. At its February 2018 meeting, the Board approved the proposed regulatory language amending 16 CCR Section 1399.152. Due to limited staff resources and the COVID-19 pandemic, this regulatory package has been delayed and no further Board discussions have occurred or actions been taken since 2018.

Summary of Changes

The changes made to the proposed regulation since the November 2018 Board-approved amendments include:

- Subsection (a) amended to align with statutory language and replace gendered terms.
- Subsection (b) amended to align with statutory language. Paragraph (2) is amended to add the two predecessors of the Council on Higher Education Accreditation (CHEA) and make grammatical corrections. Subparagraph (A) is amended to make grammatical corrections.
- Subsections (c) and (d) are amended for the purpose of specifying additional program accreditation for license qualifications.

- Subsection (e) is amended for the purpose of specifying requirements for programs from international educational institutions.

Action Requested

Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to approve the regulatory language and initiate the rulemaking process.

Suggested Motion Language

Move to approve the proposed regulatory text for 16 CCR section 1399.152 and direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at 16 CCR section 1399.152 as noticed.

Attachment A: Approved Institutions Proposed Language

Attachment B: Approved Institutions Proposed Language as Adopted on February 9, 2018

Attachment C: Approved Institutions Comparison

Attachment D: Recognized Accrediting Bodies Comparison

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD**

**PROPOSED REGULATORY LANGUAGE
Approved Institutions**

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Amend Section 1399.152 of Article 3 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.152. Approved Institutions.

(a) For the purposes of this Section, the term “educational institution” means the facility where a student attends and receives ~~his or her~~ their primary academic and clinical preparation including the institution's satellite sites or campuses. The term “joint program” means a program wherein each of the member institutions is a separate degree-granting entity.

(b) An “educational institution approved by the Board” or “approved educational institution” as used in ~~Section~~ Sections 2532.2 and 2532.25 of the Code is defined as:

(1) An educational institution (or in the case of a joint program, educational institutions) that is accredited by a regional or national accrediting body recognized by the United States Department of Education, and

(2) Has program accreditation in the area for which licensure is sought by an accrediting body recognized by the United States Department of Education ~~or~~, the Council on Higher Education Accreditation (CHEA) or its predecessors, the Commission on Recognition of Postsecondary Accreditation (CORPA) and the Council on Postsecondary Accreditation (COPA), or a comparable accrediting body recognized by the Board.

(A) At its discretion, the Board may review and approve a comparable accrediting body. To be recognized as a comparable accrediting body, the program accredited by that accrediting body must have academic and clinical requirements equivalent to a graduate or doctoral program accredited by the United States Department of Education or the CHEA.

(c) A graduate speech-language pathology or audiology program shall be accredited or shall be designated as a program in candidacy by ~~the accrediting body authorized by~~

~~the American Speech-Language-Hearing Association~~ an accrediting body as specified in subsection (b) at the time of the applicant's graduation.

(d) An ~~post-baccalaureate~~ audiology doctoral program shall be accredited or shall be designated as a program in candidacy by ~~the accrediting body authorized by the American Speech-Language-Hearing Association or shall be accredited or shall be designated as a program in candidacy by another~~ an accrediting body as specified in subsection (b) ~~above~~ at the time of the applicant's graduation.

(e) In its discretion, the Board may approve, after its review, any educational program, with academic and clinical requirements equivalent to ~~an accredited a graduate or doctoral training program~~ accredited in accordance with subsection (b) as provided for above, but, which is not accredited in accordance with subsection (b) ~~under one of the above-mentioned criteria.~~

Note: Authority cited: ~~Sections~~ Section 2531.95 and 2532.2, Business and Professions Code. Reference: ~~Section~~ Sections 2532.2 and 2532.25, Business and Professions Code.

Division 13.4. Speech-Language Pathology and Audiology and Hearing Aid
Dispensers Board of the Department of Consumer Affairs
Article 3. Qualifications for Licensure –
Education and Clinical Experience

1399.152. Approved Institutions.

(a) For the purposes of this Section, the term “institution” means the facility where a student attends and receives his or her primary academic and clinical preparation including the institution's satellite sites or campuses. The term “joint program” means a program wherein each of the member institutions is a separate degree-granting entity.

(b) An “institution approved by the Board” as used in Sections 2532.2 and 2532.25 of the Code is defined as:

(1) An educational institution (or in the case of a joint program, educational institutions) that is accredited by a regional or national accrediting body recognized by the United States Department of Education, and

(2) Has program accreditation in the area for which licensure is sought by an accrediting body recognized by the United States Department of Education or the Council on Higher Education Accreditation (CHEA) or its predecessor, the Council on Postsecondary Accreditation (COPA), or a comparable accrediting body recognized by the Board.

(A) At its discretion, the Board may review and approve a comparable accrediting body. To be recognized as a comparable accrediting body, the educational program(s) accredited by the accrediting body must have academic and clinical requirements equivalent to a graduate or doctoral training program accredited by the United States Department of Education, CHEA, or COPA.

~~(c) A graduate speech-language pathology or audiology program shall be accredited or shall be designated as a program in candidacy by the accrediting body authorized by the American Speech-Language-Hearing Association at the time of the applicant's graduation.~~

~~(d) A post-baccalaureate audiology doctoral program shall be accredited or shall be designated as a program in candidacy by the accrediting body authorized by the American Speech-Language-Hearing Association or shall be accredited or shall be designated as a program in candidacy by another accrediting body as specified in subsection (b) above.~~

~~(e) In its discretion the Board may approve after its review any educational program, with academic and clinical requirements equivalent to an accredited graduate or doctoral training program as provided for above, but, which is not accredited under one of the above-mentioned criteria.~~

Note: Authority cited: Sections ~~2531.95-2532.2~~ and, Business and Professions Code.
Reference: Sections 2532.2 and 2532.25, Business and Professions Code.

Approved Institutions Comparison

Current Regulations	Council on Academic Accreditation (CAA) of the American Speech-Language-Hearing Association (ASHA)	Accreditation Commission for Audiology Education (ACAE)
<p>(1) An educational institution (or in the case of a joint program, educational institutions) that is accredited by a regional or national accrediting body recognized by the United States Department of Education, and</p>	<p>The institution of higher education within which the audiology and/or speech-language pathology program is housed must hold regional accreditation from one of the following regional accrediting bodies:</p> <ul style="list-style-type: none"> • Middle States Commission on Higher Education; • New England Association of Schools and Colleges, Commission on Institutions of Higher Education; • North Central Association of Colleges and Schools, The Higher Learning Commission; • Northwest Commission on Colleges and Universities; • Southern Association of Colleges and Schools, Commission on Colleges; • Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities. 	<p>Be part of a nonprofit institution that is devoted primarily to education and regionally accredited or nationally recognized by the Council for Higher Education (CHEA) or the United States Department of Education (USDE). For programs in institutions outside of the United States, the institution is recognized by the appropriate governmental agency;</p>
<p>(2) Has program accreditation in the area for which licensure is sought by an accrediting body recognized by the United States Department of Education or the Council on Higher Education Accreditation (CHEA) or its predecessor, the Council on Postsecondary Accreditation (COPA), or a comparable accrediting body recognized by the Board.</p>	<p>recognized by the United States Department of Education and the Council on Higher Education Accreditation (CHEA) or its predecessor, the Council on Postsecondary Accreditation (COPA),</p>	<p>recognized by the Council on Higher Education Accreditation (CHEA)</p>

Recognized Accrediting Bodies Comparison

United States Department of Education	Council for Higher Education (CHEA)
Accrediting Commission of Career Schools and Colleges	
Accrediting Council for Continuing Education and Training	
Association for Biblical Higher Education, Commission on Accreditation	Association for Biblical Higher Education Commission on Accreditation
Association of Advanced Rabbinical and Talmudic Schools, Accreditation Commission	Association of Advanced Rabbinical and Talmudic Schools Accreditation Commission
Association of Institutions of Jewish Studies	
Council on Occupational Education	
Distance Education Accrediting Commission	Distance Education Accrediting Commission
Higher Learning Commission	Higher Learning Commission
Middle States Commission on Higher Education	Middle States Commission on Higher Education
Middle States Commission on Secondary Schools	
National Association of Schools of Art and Design, Commission on Accreditation	
National Association of Schools of Dance, Commission on Accreditation	
National Association of Schools of Music, Commission on Accreditation	
National Association of Schools of Theatre, Commission on Accreditation	Commission on Accrediting of the Association of Theological Schools
New England Commission of Higher Education	New England Commission of Higher Education
New York State Board of Regents, State Education Department, Office of the Professions (Public Postsecondary Vocational Education, Practical Nursing)	

United States Department of Education	Council for Higher Education (CHEA)
New York State Board of Regents, and the Commissioner of Education	
Northwest Commission on Colleges and Universities	Northwest Commission on Colleges and Universities
Oklahoma Board of Career and Technology Education	
Pennsylvania State Board of Career and Technical Education, Bureau of Career and Technical Education	
Puerto Rico State Agency for the Approval of Public Postsecondary Vocational, Technical Institutions and Programs	
Southern Association of Colleges and Schools, Commission on Colleges	Southern Association of Colleges and Schools Commission on Colleges
Transnational Association of Christian Colleges and Schools, Accreditation Commission	Transnational Association of Christian Colleges and Schools Accreditation Commission
WASC Senior College and University Commission	WASC Senior College and University Commission
Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges	Accrediting Commission for Community and Junior Colleges Western Association of Schools and Colleges

Hand Carry Item

Agenda Item 10(i):

Discussion and Possible Action to Amend
Regulations Regarding Hearing Aid Dispensers
Temporary License Supervision as stated in
Title 16, CCR sections 1399.102 and 1399.115
through 1399.119